TRANSCRIPT OF RECORD

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1939

No. 499

FEDERAL COMMUNICATIONS COMMISSION,
PETITIONER

vs.

SANDERS BROTHERS RADIO STATION

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA

PETITION FOR CERTIORARI FILED NOVEMBER 2, 1939

CERTIORARI GRANTED DECEMBER 11, 1939

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1939

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vs.

SANDERS BROTHERS RADIO STATION

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA

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1 IN UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA

No. 7087

SANDERS BROTHERS RADIO STATION, A CORPORATION, APPELLANT

vs.

FEDERAL COMMUNICATIONS COMMISSION, APPELLEE

Notice of appeal

Filed Dec. 14, 1937

Sanders Brothers Radio Station, an Illinois corporation and licensee of Radio Broadcast Station WKBB, East Dubuque, Illinois, hereby gives notice of its appeal from a decision of the Federal Communications Commission, rendered July 2, 1937, granting an application of Telegraph Herald for a construction permit authorizing the construction and operation of a radio broadcast station at Dubuque, Iowa, on 1340 kc., 500 watts, daytime only.

In support of its appeal appellant assigns the reasons hereinafter set forth:

Statement of reasons for appeal

1. The Commission erred in failing to find that there is inadequate and insufficient economic support in Dubuque, Iowa, for the station proposed by the Telegraph Herald.

2. The Commission erred in failing to find that the operation of the station proposed in Dubuque, Iowa, by the Telegraph Herald will result in a financial and economic injury to the appellant, will result in a large loss of operating revenue to the appellant, will further increase its net losses, will impair the service rendered by the appellant to its listening audience, and will destroy the ability of the appellant to render programs of high type and in the public interest.

3. The Commission erred in failing to find that the appellant, which has in the past lost large sums of money through the operation of its station and which is at present failing to earn sufficient money to pay its operating expenses and fixed
2 charges, will lose even greater sums by the operation of the station proposed by the Telegraph Herald.

4. The Commission erred in failing to make any finding with reference to the economic effect upon the appellant by the granting of the application of the Telegraph Herald.

5. The Commission erred in finding that there is a need in the Dubuque, Iowa, area for the service proposed by the Telegraph Herald.

6. The Commission erred in failing to find that the service rendered by appellant and by other stations rendering service to the Dubuque, Iowa, area is adequate.

7. The Commission erred in finding that the service area of the station proposed by the Telegraph Herald will be larger than the service area of appellant's station.

8. The Commission erred in denying appellant's request that it be served with copies of the supplemental report of the examining department and reports of the law department and engineering department which were submitted to the Broadcast Division for its consideration in reaching a determination upon the issues involved.

9. The Commission erred in considering the supplemental report of the examining department and reports of the law department and engineering department without serving such reports upon the appellant and giving it the opportunity to make answers thereto.

10. The Commission is without jurisdiction or power to render the decision and final order of July 2, 1937, without having, either at the time thereof or at any time prior thereto, made or formulated any findings of fact in support of its decision. The order of the Commission entered July 2, 1937, not being supported by findings contained therein or findings made concurrently therewith, is void. Said decision and order were made and entered in violation of the Communications Act of 1934, as amended, particularly Sections 5, 307 (a), 309 (a), 319 (a), and 402 (b) of said Act, and in violation of Article III, Section 1 and Article I, Section 1 of the Constitution of the United States, and constitute a deprivation of appellant's property without due process of law, contrary to the Fifth Amendment to the Constitution of the United States.

11. The Commission erred in failing to find by written findings made prior to or concurrently with entry of the decision and issuance of the final order that the granting of
3 the application of the Telegraph Herald would adversely affect the interests of Sanders Brothers Radio Station, licensee of WKBB, and will not serve public interest, convenience, and necessity.

Wherefore, Appellant prays for judgment of this Honorable Court reversing said decision of the Commission and granting such other relief as to the Court may seem just and proper.

SANDERS BROTHERS RADIO STATION,
By LOUIS G. CALDWELL,
REED T. ROLLO,
PERCY H. RUSSELL, JR.,

914 National Press Building, Washington, D. C.

DECEMBER 14, 1937.

ACKNOWLEDGMENT OF SERVICE

Receipt of a true copy of the foregoing Notice of Appeal and Statement of Reasons Therefor is acknowledged this 14th day of December, 1937.

FEDERAL COMMUNICATIONS COMMISSION.
By WALTER JOHNSON.

[File endorsement omitted.]

In United States Court of Appeals for the District of Columbia

[Title omitted.]

Amendment to notice of appeal

Filed March 17, 1938

Now comes Sanders Brothers Radio Station, an Illinois corporation and appellant in the above-entitled cause, by its attorneys, and amends its Notice of Appeal by adding on page 1 at the close of the first paragraph the following:

"On August 10, 1937 the appellant filed with the Commission a Petition for Rehearing of the decision of July 2, 1937, effective July 27, 1937, granting the application of Telegraph Herald, and on December 8, 1937 appellant's Petition for Rehearing was denied by the Commission."

SANDERS BROTHERS RADIO STATION,
By LOUIS G. CALDWELL,
REED T. ROLLO,
PERCY H. RUSSELL, JR.,
Its Attorneys,
914 National Press Building, Washington, D. C.

ACKNOWLEDGMENT OF SERVICE

Receipt of a true copy of the foregoing Amendment to Notice of Appeal is acknowledged this 9th day of March, 1938.

FEDERAL COMMUNICATIONS COMMISSION.
By J. NEYMAN,
TELEGRAPH HERALD.
By ELIOT C. LOVETT,
Per M. S.

[File endorsement omitted.]

In United States Court of Appeals for the District of Columbia

[Title omitted.]

Notice of intention to intervene

Filed Jan. 7, 1938

Comes now the Telegraph Herald, a corporation organized and existing under the laws of the State of Iowa, by its attorney, and, pursuant to Section 402 (d) of the Communications Act of 1934, as amended, and not admitting the propriety of the appeal herein but specifically reserving every right to move to dismiss the same or otherwise to question its validity, files this its Notice of Intention to Intervene in the above entitled proceeding and, in support hereof, respectfully submits the following—

STATEMENT OF INTEREST

1. The said cause is an appeal under Section 402 of the Communications Act of 1934, as amended, from a decision of the Federal Communications Commission rendered July 2, 1937 (Commission Docket No. 3967), granting an application of this intervener, Telegraph Herald, for a permit to construct a radio broadcasting station to operate daytime only in Dubuque, Iowa, on 1340 kilocycles with 500 watts power. The call letters KDTH were assigned to the proposed station.

2. The appellant appeared as a respondent in the proceeding upon the application of this intervener before the Commission, from whose decision the appeal was taken in the above entitled cause.

3. This intervener is interested in the appeal in said cause to the extent that a reversal or modification of the decision of which appellant complains would aggrieve it and adversely affect its

interests for the reason that it would thereby be deprived of the permit which it now possesses to construct station KDTH by virtue of the action of the Commission in granting its application.

Respectfully submitted.

TELEGRAPH HERALD, *Intervener*,
By ELIOT C. LOVETT,
Its Attorney,
729 Fifteenth Street, Washington, D. C.

[*Duly sworn to by Eliot C. Lovett; jurat omitted in printing.*]

6 NOTICE OF FILING

To LOUIS G. CALDWELL, REED T. ROLLO, and PERCY H. RUSSELL, Jr., *914 National Press Building, Washington, D. C., Attorneys for Appellant*, and HAMPSON GARY, *New Post Office Building, Washington, D. C., General Counsel for the Federal Communications Commission.*

Please take notice that the foregoing Notice of Intention to Intervene, together with the Statement of Interest, will be filed forthwith in the United States Court of Appeals for the District of Columbia.

TELEGRAPH HERALD, *Intervener*,
By ELIOT C. LOVETT,
Its Attorney,
729 Fifteenth Street, Washington, D. C.

ACKNOWLEDGMENT OF SERVICE

Receipt of a true copy of the foregoing Notice of Intention to Intervene, together with the Statement of Interest, is acknowledged this 6th day of January 1938.

REED T. ROLLO,
Attorney for Appellant.
HAMPSON GARY,
By F. U. F.
Attorney for Federal Communications Commission.

7 [File endorsements omitted.]

In United States Court of Appeals for the District of Columbia

[Title omitted.]

Statement in writing of the facts and grounds for the decision of the Federal Communications Commission as found and given by it, order of the Federal Communications Commission and record before it in the matter of the applications of Telegraph Herald and Sanders Brothers Radio Station for construction permits

Filed Jan. 13, 1938

Now comes the Federal Communications Commission, pursuant to Section 402 (c) of the Communications Act of 1934 and files this, its statement in writing of the facts and grounds for the decision as found and given by it, its order, and the record before it in the matter of the applications of Telegraph Herald and Sanders Brothers Radio Station, Dubuque, Iowa, for construction permits.

FEDERAL COMMUNICATION COMMISSION,
By T. J. SLOWIE, *Secretary.*

8 Federal Communications Commission. Jan. 20, 1936.
Received 3rd Mail. Mail and Files.

FCC Form No. 301. File No. B4–P–960. Call letters NEW

United States of America

Federal Communications Commission

Application for radio broadcast station construction permit or modification thereof

(Submit in duplicate to Federal Communications Commission, Washington, D. C. Swear to one copy)

To the Federal Communications Commission:

1. Name of applicant:[1] Telegraph Herald.

2. Post-office address: State, Iowa. City, Dubuque. Street and number, Eighth Avenue and Bluff Street.

[1] If a corporation, state corporate name; if a partnership, state names of all partners and the name under which the partnership does business; if an unincorporated association, state the name of an executive officer, the office held by him, and the name of the association. The same name or names should be signed in the place provided at the end of application, except that in the case of a partnership, the application may be signed in the name of the partnership by one of the partners.

3. Is this application made for—

(a) Authorization to construct new radio station? Yes.

(b) Authorization to change present location of transmitter of existing station? ----------

(1) What is distance in miles between present location and proposed location of transmitter? ----------

(c) Authorization to change maximum rated carrier power, which necessitates installation of new equipment? ----------

(1) Applicant represents that present maximum rated carrier power is ---------- watts.

(2) Applicant represents that proposed maximum rated carrier power is ---------- watts.

(d) Authorization to install new equipment? ----------

(1) Indicate what new equipment is to be installed (check):

(a) New transmitter ----------

(b) Change in system of modulation ----------

(c) Change in type or number of vacuum tubes in last radio stage ----------

(d) Other changes (specify): ----------

4. What is applicant's principal business? Newspaper Publishing and Printing.

5. Is applicant a citizen of the United States? ---------- If so, state whether by birth or naturalization ----------

6. Is the applicant a representative of an alien or foreign government? ----------

7. State whether applicant is a corporation, partnership, or association Corporation

8. If applicant is a corporation—

(a) Under laws of what State or country is it organized? Iowa (Certificate on file in connection with application to move KWLC to Dubque.)

(A certified copy of the articles of incorporation shall be attached if not heretofore filed with the Commission.)

(b) Is more than one-fifth of capital stock owned of record or may it be voted by aliens or their representatives or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country? No.

(c) Is any director or officer an alien? No. If so, state name and position of each ----------

(d) Give names and addresses of all stockholders owning and/or voting 10 percent or more of applicant's stock and percentage of stock held by each Fred W. Woodward 51%; Joseph C. Quigley 24%. Both Dubuque, Iowa.

(e) Is stock to be sold after this permit is issued for purpose of raising money to construct and/or operate the proposed station? No.

If applicant is a corporation, is applicant directly or indirectly controlled by any other corporation? No.

(a) If so, give name and address of such controlling corporation _____

(b) Under laws of what State or country is such corporation organized? _____

(A certified copy of the articles of incorporation shall be attached if not heretofore filed with the Commission.)

(c) Is more than one-fourth of capital stock of such corporation owned of record or it may be voted by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country? _____

(d) Is any director or officer of such corporation an alien? _____ If so, state name and position of each _____

(e) Is the above-described controlling corporation in turn a subsidiary? _____ If so, attach additional sheets answering questions 9 (a) to (d), inclusive, for each company to and including the organization having final control.

10. If application is made in behalf of an unincorporated association, state—

(a) Purpose of the association _____

(A certified copy of the articles of association, or by-laws, shall be attached if not heretofore filed with the Commission.)

(b) The number of members _____

(c) Whether any members are aliens _____

(d) If so, state name and position of each _____

11. (a) Is applicant directly or indirectly, through stock ownership, contract, or otherwise, interested in the ownership or control of any other radio broadcasting stations? No.

If so, state call letters and location of such stations _____

(b) Has the applicant in the past been directly or indirectly interested in the ownership or control of any radio broadcasting stations? No.

If so, state call letters and location of such stations _____

12. (a) State applicant's relation to station (whether applicant is to be owner or lessee, and, if neither owner nor lessee, state nature of applicant's interest in use and control of station. Owner.

(If not owner, a copy of agreement showing applicants interest in station must be attached if not heretofore filed with the Commission.)

(b) If applicant is not to be owner of station, who is? _____

(c) Will applicant have absolute control of station, both as to physical operation and programs broadcast? Yes.

If not, attach copy of any contract which may in any way affect applicant's right to do so.

11 13. List assets and liabilities and state fully the facts showing applicant's financial responsibility with respect to the construction and operation of station. See attached statement.

14. (a) Has the applicant been finally adjudged guilty by any Federal court of unlawfully monopolizing, or attempting unlawfully to monopolize, radio communication directly or indirectly through control of manufacture or sale of radio apparatus, exclusive traffic arrangements, or any other means, or of unfair methods of competition? No.

(b) Is applicant directly or indirectly controlled by any party finally adjudged guilty as above stated? No.

15. The frequency, power, and hours of operation requested for the proposed station are as follows:

(a) Frequency 1340 kilocycles.

(b) Power (night) None watts.

(c) Power (day) 500 watts.

(d) Hours of operation:

(1) Unlimited ----------

(2) Daytime only. Yes.

(3) Limited ----------

(4) Sharing with (specify stations) ----------

(5) Other (specify) ----------

(e) State number of hours per day proposed station will operate. Not less than 8 hours.

(f) Does the application directly request the assignment of all or any part of the facilities (i. e., frequency, power, and/or hours of operation) now assigned to any other station or stations? No.

If so, specify the station or stations and the facilities requested to be withdrawn therefrom.

16. Description of transmitting apparatus proposed to be installed. (Specifications and drawings on file with the Commission.)

(a) Make. Collins. Type no. 20-A.

(b) Oscillator: Type of circuit ---------- Number, manufacturer's name, and type of tubes ---------- Normal plate current, per tube ---------- Plate voltage ----------

(c) List buffer and intermediate power amplifier stages, by number and type of tubes in each stage ----------

12 (d) Last radio stage: Number, manufacturer's name, and type of tubes ---------- Normal night operation for power requested: Plate current, per tube ---------- Plate voltage ----------

If greater day power than night power is requested, specify the following:

Normal day operation: Plate current, per tube _____ Plate voltage _____

Describe fully the proposed method and procedure of reducing power at sunset _____

(e) Modulator or last audio stage: Number, manufacturer's name, and type of tubes and how operated:

(Class "A," "A Prime," or "B") _____

Normal plate current, per tube _____ Plate Voltage _____

(f) Which radio stage is modulated? _____

(g) What system of modulation is employed (high level, low level, grid bias in last radio stage, etc.)? _____

(h) If low-level modulation is employed, give for modulated radio stage: Number and type of tubes _____ Plate current, per tube _____ Plate voltage _____

(i) The transmitter is designed for what maximum percentage of satisfactory modulation? _____

(j) What modulation measuring device will be used to determine that this percentage of modulation is obtained? _____

(k) Specify manufacturer's name, type, number, and full scale reading of the following meters:

(1) In last radio stage:

Plate voltmeter _____

Plate ammeter _____

(2) Antenna ammeter _____

(l) Describe the plate power supply for last stage _____

Rating: Current _____ Voltage _____

(m) Maximum carrier power output of transmitter for satisfactory operation is 500 watts.

(n) Maximum rated carrier power of transmitter as determined by orders of the Federal Communications Commission is 500 watts.

17. (a) Type of antenna Vertical Radiator:

(b) Height of vertical lead 185 feet.

(c) Length of flat top (if any) _____ feet.

(d) If not fully described above, give complete details _____

(e) Counterpoise (if used)—type and dimensions _____

13 (f) Antenna ground (if used)—how obtained? 120 radials each 185 ft. long.

18. Applicant represents (1) that there is attached or (2) that there has been heretofore filed with the Commission, an accurate schematic diagram of the fundamental radio and audio circuits of the transmitter proposed, including antenna and

ground or counterpoise connections, antenna feed system, and that it indicates the type of tubes.

(This should be a blueprint or ink drawing, and, if possible, the size of this application, and attached hereto.)

19. (a) State what apparatus is included as an integral part of the transmitter that will automatically hold frequency within the required limits _____.

(b) Within how many cycles of the assigned frequency is this apparatus designed and guaranteed to hold the operating frequency? _____.

(c) State manufacturer's name and type number of this frequency-control apparatus _____.

(d) State whether or not frequency-control apparatus is automatically maintained at constant temperature _____.

(1) If so, state manufacturer's name and rated accuracy of the thermostat _____. Of the thermometer _____.

(2) Attach the circuit diagram of automatic temperature control system if not already on file with the Commission.

(3) Attach a sketch or drawing of the automatic temperature control chamber, if not already on file with the Commission.

(e) State name and type number of separate frequency monitor RCA EX-4180.

(f) Give Federal Communications Commission approval number 1454.

20. Cost of proposed station: Transmitter, $10,000. Studio, $3,500. Other items (state nature) Transmitter House, Antenna System, Furnishings, etc., $7,500.

21. Proposed location of transmitter: State, Iowa. County, Dubuque.

City or town, Near Dubuque, Iowa. Street and number. To be determined.

14 N. latitude: Degrees _____, Minutes _____, seconds _____.

W. Longitude: Degrees _____, minutes _____, seconds _____.

22. Number of persons residing within various distances of proposed location of transmitter is as follows:

0.4 mile _____, 1 mile _____, 2 miles _____, 3 miles _____, 5 miles _____, 8 miles _____.

23. (a) Number of broadcasting stations (by call letters) located within various distances of proposed location of transmitter is as follows:

1 mile ----------, 2 miles ----------, 3 miles ----------, 8 miles ----------.

(b) Number of nonbroadcasting (commercial or Government) Receiving stations located within various distances of proposed location of transmitter is as follows:

1 mile ----------, 2 miles ----------, 3 miles ----------.

24. (a) Name and give location of all Airports within 10 miles of proposed location of transmitter ----------.

(b) Give distance from proposed location of transmitter to each of such airports ----------.

(c) Name and give distance to any established airways within 10 miles of proposed location of transmitter ----------.

(d) Give maximum height (in feet) of towers above ground level 195 ft.

(e) Will towers be painted and marked with signal lights to conform with specifications of Department of Commerce (See Aeronautics Bulletin No. 9)? Yes.

(f) If application is for new station or change of transmitter location of existing station, attach map showing present location, proposed location, character of the surrounding area (retail or wholesale business, manufacturing, residential, or unpopulated; also, density of population, type of soil and terrain) and the location of airports, airways, and other radio stations, including receiving stations, except broadcast or amateur.

25. Proposed location of main studio: State, Iowa. County, Dubuque.

City or town, Dubuque. Street and number, Eighth Ave. and Bluff Street.

Other studios maintained by station ----------.

15 26. Average percentage of time expected to be devoted monthly to following services:

Commercial Programs:

(1) Entertainment, 25%.
(2) Educational, 2%.
(3) Religious ----------
(4) Agricultural, 3%.
(5) Fraternal ----------
(6) ----------
(7) ----------

Sustaining Programs:

(1) Entertainment, 25%.
(2) Educational, 15%.
(3) Religious, 3%.
(4) Agricultural, 15%.
(5) Fraternal, 2%.

(6) News broadcast, 10%.
(7) ----------

27. (a) Does applicant expect to obtain programs from what is known as a "chain"? No.

(b) Name of chain or chains ----------

(c) What will be the percentage of total time proposed to be used for chain programs (i. e., programs, both paid and sustaining, which are duplicated by any other station)? ----------

(d) What will be the percentage of total time proposed to be used for mechanical reproduction (i. e., phonograph records, electrical transcriptions, player piano, etc.)? 20%

(a) State the objects to be attained by the construction, or changes in construction, for which application is made to provide radio service for the Dubuque trade area and to further the interests of the industrial and agricultural population ----------

(b) State definitely what service will be rendered by the proposed station which is not now available to the community which it expects to serve. Programs designed especially for the advancement of the educational and agricultural interests of the area.

29. If the construction permit is granted, the construction will be commenced within 60 days of the granting thereof and will be completed and the station ready for operation with 180 days thereafter.

30. The applicant waives any claim to the use of any particular frequency or of the ether as against the regulatory power of the United States because of the previous use of
16 the same, whether by license or otherwise, and requests a construction permit in accordance with this application.

Dated this 18th day of January, 1936.

TELEGRAPH HERALD
(Must correspond with item 1),
Applicant.
By F. W. WOODWARD,
Agent.

(Be sure all necessary information is furnished)

STATE OF ----------
County of ---------- *ss:*

----------, being first duly sworn upon his oath, affirmed according to law, deposes and says that he is the ----------
(If applicant is not an individual, state relation of affiant to applicant)

above-named applicant, and that the facts stated in the foregoing application and all exhibits attached thereto are true of

his own knowledge, except as to such statements as are therein stated on information and belief, and as to such statements he believes them to be true.

_____ _____

Affiant.

Subscribed and sworn to before me this _____ day of _____, 19__.

[SEAL]

_____ _____

Notary Public.

(Notary Public's seal must be affixed where law of jurisdiction requires, otherwise state that law does not require seal.)

My commission expires _____

Insert for F. C. C. Form No. 301

(These questions must be answered)

No. 4 (a). What other business or businesses is applicant directly or indirectly interested in; explain fully? _____

17 No. 4 (b). If applicant is a corporation, what other business or businesses are the officers, directors, or principal stockholders directly or indirectly interested in; explain fully? (Attach additional sheets if necessary). All officers, directors, and principal stockholders are exclusively interested in the newspaper publishing business.

TELEGRAPH-HERALD—STATEMENT OF DECEMBER 1, 1935

ASSETS

First National Bank	$37,386.13
Consolidated National Bank	340.23
Petty Cash	200.00
Post Office Deposit	288.32
Notes Receivable	3,150.42
Accts. Receivable, Newspaper Adv.	34,473.65
Accts. Receivable, Job Dept.	24,031.44
Miscellaneous Accts. Receivable	13,172.34
Investments	20,250.62
Inventory	16,974.28
Real Estate and New Bldg.	350,047.94
Machinery and Equipment	191,539.14
Furniture and Fixtures	18,683.82
Type, Cuts, Etc	4,173.55
Automobiles	3,228.10
Insurance Paid in Advance	1,900.99
Patents, Franchises, & Good Will	41,365.46
Circulation Structure	233,984.26
Times Journal Purchase Stock	102,521.67
Total	$1,097,712.36

LIABILITIES

Accounts Payable	$3,836.88
Reserve for Depreciation, Mach. & Equip.	130,521.33
Reserve for Taxes	7,970.78
Surplus	795,383.37
Capital Stock, Preferred	40,000.00
Capital Stock, Common	120,000.00
Total	$1,097,712.36

18 [Endorsed:] Federal Communications Commission Apr. 4, 1936. Received Mail. Mail and Files.

STATE OF IOWA,
Dubuque County, ss:

I, C. L. Woodward, being first duly sworn, on oath depose and state that I am Secretary of Telegraph-Herald, a corporation under the laws of Iowa with its principal place of business at Dubuque, Iowa; that the following is a true and correct list of the stockholders of said corporation and the number of shares held by each, to-wit:

Common Stock:	Shares
F. W. Woodward	811
J. C. Quigley	379
Mrs. Ann Murphy	10
	1,200

Preferred Stock:	Shares
St. Mary's Orphan Home	50
Mt. Pleasant Home	50
The Society of St. Vincent de Paul	50
Finley Hospital	50
St. Joseph's Mercy Hospital	50
The House of the Good Shepherd	50
Dubuque Boy's Welfare Association	50
St. Anthony's Home for the Aged	50
	400

The following is a true and correct list of the Directors of said corporation, to-wit: F. W. Woodward, Elsie M. Woodward, F. R. Woodward, C. L. Woodward, J. C. Quigley, W. J. Arndt, M. R. Kane.

That the following are the officers of said corporation, to-wit: F. W. Woodward, President and Business Manager; J. C. Quigley, Vice President; C. L. Woodward, Secretary; F. R. Woodward, Treasurer.

C. L. WOODWARD, *Sec.*

Subscribed in my presence and sworn to before me by the said C. L. Woodward this 28th day of March, A. D. 1936.

ROBT. W. CLEUREE,
Notary Public in and for Dubuque County, Iowa.

Report of John H. Barron in connection with the application of the Telegraph Herald, Dubuque, Iowa

I am a consulting radio engineer, with offices in the Earle Building, Washington, D. C., and have been engaged by the Telegraph Herald, of Dubuque, Iowa, to prepare a report to be associated with and made a part of the application for radio broadcast station construction permit, which is being filed with the Federal Communications Commission.

My experience in radio engineering matters consist in part of approximately 5½ years as a radio inspector of the U. S. Department of Commerce and 5½ years as a radio engineer in the broadcast section of the Federal Radio Commission and the Federal Communications Commission. My education was obtained at the Baltimore Polytechnic Institute and the Johns Hopkins University, Baltimore, Maryland.

The Telegraph Herald has filed an application for authority to erect a new broadcast station to be located at or near Dubuque, Iowa, to be operated on regional frequency 1340 kc. with power of 500 watts and daytime hours of operation. This report is submitted on certain aspects involving the estimated coverage of the station, the estimated daytime service already available in the city of Dubuque and surrounding territory and the questions of interference.

ESTIMATED COVERAGE

It is proposed to install at this new station an antenna consisting of a single vertical radiator, one-fourth wave length, or approximately 185 feet in height. The ground system to be installed will consist of a buried system of copper wires consisting of not less than 120 radials extending outward from the base of the vertical radiator for a distance of at least 185 feet. These radials will be buried in the ground not over 6 inches deep and will be spaced in an angular manner 3.0 degrees apart.

The location at which the antenna and transmitting plant will be installed will be determined by suitable surveys in the event that the application is granted.

It is estimated that the antenna to be installed will produce an unattenuated field intensity at a distance of 1 mile of approximately 124 millivolts per meter. This is based upon an assumed dead loss of 10 ohms.

It is estimated that the conductivity of the area around Dubuque, Iowa, is approximately 10–13 emu. and that the inductivity is 15 esu. Based upon the Sommerfeld theory of propagation, it is estimated that the proposed station will render the following field intensities at the distances indicated.

10	mv/m Business Sections of Cities	7.9 miles
2	mv/m Residential Sections of Cities	20.0 miles
0.5	mv/m Rural areas	35.0 miles

ESTIMATED SERVICE AVAILABLE IN DUBUQUE FROM EXISTING STATIONS

The following table has been prepared to indicate the field intensities which it is estimated that existing stations will place into the city of Dubuque. Those estimates are based upon the following assumptions: Conductivity of 10–13 emu., inductivity of 15 esu., Sommerfeld theory of propagation, and antenna efficiencies for stations operating on clear channel frequencies power 5 kw. to 50 kw. 200 millivolts per meter; regional stations power 250 watts to 2.5 kilowatts 150 millivolts per meter and local stations power of 100 watts and 250 watts 125 millivolts per meter.

21

Station	Location	Frequency	Day power	Distance	Estimated MV/M
				Miles	
IOWA					
WMT	Cedar Rapids	600	2.5 kw	58	1.70
W8UI	Iowa City	880	1 kw	73	.280
WOC	Carter Lake	1,370	250 w	66	.045
WOCA-KWLC	Decorah	1,270	100 w	80	.020
WHO	Des Moines	1,000	50 kw	150	.224
WOI	Ames	640	5 kw	154	.358
ILLINOIS					
WKBB	E. Dubuque	1,500	250	7	5.0
WHBF	Rock Island	1,210	250	70	.050
WMAQ	Chicago	670	50 kw	140	1.6
WGN	Chicago	720	50 kw	138	.700
WBBM	Chicago	770	50 kw	142	.500
WENR-WLS	Chicago	870	50 kw	140	.358
WAAF	Chicago	920	1 kw	163	.024
WCFL	Chicago	970	5 kw	141	.100
WISCONSIN					
WTMJ	Milwaukee	620	5 kw	143	0.265
WHA	Madison	940	2.5 kw	76	.335
WIBA	Madison	1,280	5 kw. cp.	76	.224
MINNESOTA					
WCCO	Minneapolis	810	50 kw	232	0.100

Reference to this table shows that the only station which is estimated to place a signal of 2 millivolts per meter or better into Dubuque is station WKBB at East Dubuque, Illinois. Station WMT, Cedar Rapids, Iowa, is the only other station estimated to render a field intensity approximating 2 millivolts per meter which is required for good service in residential sections of cities and the estimated field intensity of that station is less than 2 millivolts per meter.

With regard to the stations rendering service approximating 0.5 millivolts per meter in the rural areas around Dubuque, stations WMT, WKBB, WMAQ, WGN, and WBBM are the only stations estimated to render a field intensity better than 0.5 millivolts per meter in any substantial portion of the estimated primary service area of the proposed station.

There is no station licensed for operation at the present time which has the main studio located in Dubuque, Iowa. For the best service available in this city during daytime it appears that listeners must depend primarily upon a station operating upon a local frequency, station WKBB. The 1930 census population of Dubuque was 41,679. It appears that the proposed station will be the only station which will render a primary standard of service in the city of Dubuque other than station WKBB.

22

INTERFERENCE PROBLEMS INVOLVED

Reference to the official list of stations of the Federal Communications Commission shows that the following stations are now licensed to operate on 1340 kc. at distances from Dubuque, Iowa, as shown:

Station	Location	Power	Actual	Recommended day
WSPD[2]	Toledo, Ohio	1 kw 2½ kw. day	368	350
KGDY	Huron, S. Dak	250 w	398	260
KGNO	Dodge City, Kans	250 w	590	260
WFEA	Manchester, N. H	500 w 1 kw. day	970	300
WCOA	Pensacola, Fla	500 w	857	260
KGIR	Butte, Mont	1 kw 2½ kw. day	1120	350

As the recommended separation (obtained from publications of the Federal Communications Commission) is exceeded in each instance it appears that the operation as proposed will not result in objectionable interference either being caused to or received from any of the stations now licensed to operate on 1340 kc.

With regard to stations licensed to operate on frequencies 10, 20, 30, and 40 kc., plus or minus, removed from 1340 kc. a search of the official list of stations indicates that there is no station licensed to operate on adjacent frequencies at less distances than that recommended by the engineering department of the Federal Communications Commission in accordance with the published tables.

It is understood that station WSPD has an application pending in which authority is requested to increase the daytime power to 5 kw. for which the recommended separation is 400 miles. The distance from Dubuque, Iowa, to Toledo, Ohio, is 368 miles or 32 miles less than the recommended separation of 400 miles. This is 8% less than that recommended. In view of the fact that the recommended separation is nearly attained and the fact that the attenuation on 1340 kc. is considerably higher than the attenuation on an average frequency approximating 1000 kilocycles, it does not appear that there would be extensive interference
23 received during daytime hours by the Dubuque station from station WSPD. Furthermore, the Toledo station is located a substantial distance in excess of that recommended for the 500 watts power requested for the Dubuque station (260 miles) from which it is apparent that whatever question of interference may be involved concerns the service area of the Dubuque station and not that of station WSPD.

Summarizing, it appears that there is no question of objectionable interference being caused by the operation of the station as proposed, either with existing stations or with applications for additional facilities now pending before the Federal Communications Commission.

(Sgd.) JOHN H. BARRON.

CITY OF WASHINGTON,
District of Columbia, ss:

I, John H. Barron, being first duly sworn, upon oath depose and say that the facts stated in the foregoing report by me subscribed are true of my own personal knowledge except those stated upon information and belief, and those facts I verily believe to be true.

(Sgd.) JOHN H. BARRON.

Subscribed and sworn to before me this 20th day of January 1936.

[SEAL] (Sgd.) ANNA A. HAMMOND,
Notary Public.

My commission expires June 16, 1938.

[Endorsed:] Federal Communications Commission. Jan. 23, 1938. Received 2nd Mail. Mail and Files.

Excerpt from Minutes of the Federal Communications Commission (Broadcast Division)

Minute # 353

MAY 1, 1936—11:00 A. M.

Present: Commissioners, Sykes, Chairman, Case, and Prall.

* * * * * * *

24 *Applications designated for hearing*

The Broadcast Division designated the following applications for hearing:

File No. B4-P-960. Applicant, Telegraph Herald, Dubuque, Iowa. Call letters, New. Nature of Application, Construction permit. 1340 kc. 500 watts, daytime only. Site to be determined.

* * * * * * *

Federal Communications Commission, Washington, D. C, 17746

Notice

File No. B4-P-960

Docket No. 3967

In Re Application of Telegraph Herald (New). Dated 1-18-36. For Construction Permit. Class of Service, Broadcast. Class of Station, Broadcast. Location, Dubuque, Iowa. Operating Assignment. Specified: Frequency, 1340 kc.; Powder, 500 w.; Hours of operation, Daytime.

To ----------

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the the need for additional daytime service in the area proposed to be served.

3. To determine whether the application may be granted within the purview of Section 307 of the Communications Act of 1934, as amended by the Act of June 5, 1936 (Senate Bill 2243).

4. Because of the pendency of another application with which conflict may be had by reason of interference, i. e., from Clinton Broadcasting Company (Emmons L. Abeles, Secretary) (B4–P–687); and from Stanley Reid & Charles Withnell Boegel, Jr., d/b as The Rapids Broadcasting Co. (B4–P–965).

5. To determine whether the applicant will be required to mark the towers in accordance with the engineering specifications as contemplated by Section 303 of the Communications Act of 1934.

6. To determine whether the site at which the applicant proposes to construct and operate the station will be satisfactory.

7. To determine whether the granting of the application will serve public interest, convenience and necessity.

The attention of the applicant is directed to the fact that while his application constitutes a part of the record, it is not a part of the testimony and he should be prepared, at the hearing, to introduce testimony to prove the allegations contained in his application.

The specific grounds mentioned are not be be considered, as exclusive of other grounds for the action and eventual decision of the Commission.

* * * * * * *

The hearing on the above-mentioned application will be held on September 14, 1936, at the hour of 10:00 A. M., at the offices of the Commission, Washington, D. C.

Notices of the hearing on this matter are, on the date below stated, being mailed to the following parties:

Telegraph-Herald, Eighth Avenue and Bluff Street, Dubuque, Iowa. New Applicant.

Clinton Broadcasting Co., Emmons L. Abeles, Secy., 1054 McKnight Bldg., Minneapolis, Minn. New Applicant for permit for station to operate on 1310 kc. frequency in Clinton, Iowa.

Stanley Reid & Charles Withnell Boegel, Jr., d/b as The Rapids Broadcasting Co., 1949 1st Ave., East, c/o P. O. Box 224, Cedar Rapids, Iowa. New Applicant for permit for station to operate on 1310 kc. frequency.

New Hampshire Broadcasting Co., Carpenter Hotel, Manchester, New Hampshire. WFEA Station assigned to 1340 kc. frequency.

26 Toledo Broadcasting Co., Commodore Perry Hotel, 505 Jefferson Ave., Toledo, Ohio. WSPD Station assigned to 1340 kc. frequency.

Pensacola Broadcasting Co., San Carlos Hotel, Pensacola, Florida. WCOA Station assigned to 1340 kc frequency.

Dodge City Broadcasting Co., Inc., First National Bank Bldg., 2nd & Spruce Sts., Dodge City, Kansas. KGNO Station assigned to 1340 kc. frequency.

Voice of South Dakota, 76 Third St., S. W., Huron, South Dakota. KGDY Station assigned to 1340 kc. frequency.

KGIR, Inc., 121 W. Broadway, Butte, Montana. KGIR Station assigned to 1340 kc. frequency.

Sanders Brothers Radio Station, RFD #1, East Dubuque, Ill. WKBB Intervenor.

If for any reason the applicant does not desire a hearing, he should notify the Secretary immediately so that notices sent to other parties may be cancelled.

Dated at Washington, D. C., June 23, 1936.

FEDERAL COMMUNICATIONS COMMISSION,
JOHN B. REYNOLDS, *Acting Secretary.*

Copy to:
Lovett (Telegraph-Herald).
Brady (Stanley Reid & C. W. Boegel, Jr.).
Hanley (Clinton Brdcstg. Co.).
Segal, WFEA.
Lohnes, WSPD & MBA/ch.
Dill, WCOA.
Bingham, WGIR.
Caldwell WKBB.

[Endorsed:] Signed for Above. Mailed By. Jul. 23, 1936. Mail and Files.

* * * * * * *

27 [Endorsed:] Federal Communications Commission. Aug. 18, 1936. Office of Secretary.

[Endorsed:] Federal Communications Commission. Aug. 19, 1936. Received 1st Mail. Mail and Files.

Federal Communications Commission, Washington, D. C.

File No. B4-P-960. Docket No. 3967

In Re Application of Telegraph Herald. Dated January 18, 1936. Location, Dubuque, Iowa. For Construction Permit. Operating Assignment Specified: Frequency, 1340 kc; Power, 500 watts; Hours of operation, Daytime.

Petition to intervene

Now comes Sanders Brothers Radio Station, licensee of Radio Station WKBB, East Dubuque, Illinois, by its attorneys, and pursuant to the provisions of Rule 105.20 of the Rules and Regu-

lations of the Commission petitions for leave to intervene in the above-entitled matter and to participate in the hearing to be held on the above-described application at the offices of the Commission in Washington, D. C., on September 14, 1936. Petitioner alleges that it has a substantial interest in the subject-matter of said hearing and in support thereof shows as follows:

(1) Petitioner is licensee of Radio Station WKBB operating at East Dubuque, Illinois, on 1500 kc., 100 watts, 250 watts LS, unlimited time and has an application now pending before the Commission and scheduled to be heard on September 14, 1936, by which it requests authority to move its transmitter and studio from East Dubuque, Illinois, to Dubuque, Iowa (File No. B4–P–1147, Docket No. 4031).

(2) The Telegraph Herald, applicant in the above-entitled proceedings, by its application, is seeking authority
28 to construct and operate a new broadcasting station at Dubuque, Iowa, to be operated on 1340 kc., 500 watts daytime.

(3) The City of Dubuque, Iowa, is contiguous to the City of East Dubuque, Illinois, and lies wholly within the primary service area of Station WKBB. In the event WKBB is authorized to move its transmitter and studio to Dubuque, Iowa, as requested by its pending application, it will continue to render a primary service to the City of Dubuque, Iowa.

(4) The City of Dubuque, Iowa, has a population of 41,679, according to the U. S. Census of 1930, and is the principal source of advertising revenue for Station WKBB. It will continue to be its principal source of revenue in the event its application to move is granted.

(5) There is insufficient advertising revenue available in the Dubuque area to support an additional radio outlet and the granting of the above-described application would therefore seriously impair the type of service now being rendered by Station WKBB.

(6) There is insufficient talent of an acceptable caliber for broadcasting purposes available in the Dubuque area to furnish meritorious programs for an additional radio station.

(7) The present service being rendered by Station WKBB is meritorious and adequate to meet the educational, religious, civic, and commercial needs of the Dubuque area.

(8) There exists no need for an additional radio outlet in the Dubuque area.

(9) The granting of the application of the Telegraph Herald would not serve the public interest, convenience, and necessity.

Wherefore, it is respectfully requested that petitioner, Sanders Brothers Radio Station, be allowed to intervene and to participate in the hearing to be held on the above-described application and that the Commission authorize such intervention immediately and in no event later than August 20, 1936. In support of the request for immediate action on this petition, your petitioner shows as follows:

29 (1) Applicant, the Telegraph Herald, has been heretofore authorized by the Commission to take depositions in support of its application at Dubuque, Iowa, beginning at 9 a. m. on August 21, 1936. Unless petitioner is allowed to intervene in these proceedings prior to the commencement of the taking of said depositions, it will not be a proper party to the deposition proceedings and will be deprived of cross-examination of applicant's witnesses testifying by deposition.

Respectfully submitted.

SANDERS BROTHERS RADIO STATION,
By LOUIS G. CALDWELL,
By REED P. ROLLO.

* * * * * * * *

Minute #398. September 22 1936—11:30 A. M.

Excerpt from minutes of the Federal Communications Commission

(Broadcast Division)

Present: Commissioners Sykes, Chairman, Case and Prall.

* * * * * * * *

RATIFICATIONS

The Broadcast Division ratified the following actions taken on the dates shown below:

Date of Action, 8-20-36.

Nature of Action. The Broadcast Division granted the petition of Sanders Brothers Radio Station (WKBB), to intervener in the hearing on application of Telegraph Herald, Dubuque, Iowa, for construction permit, File No. 84-P-960, Docket No. 3967.

* * * * * * * *

File No. B4–P–1147. Call letters WKBB

United States of America
Federal Communications Commission

Application for radio broadcast station construction permit or modification thereof

(Submit in duplicate to Federal Communications Commission, Washington, D. C. Swear to one copy)

To the Federal Communications Commission:

1. Name of applicant:[1] Sanders Brothers Radio Station.

2. Post-office address: State, Illinois. City, East Dubuque. Street and number, R. F. D. #1.

3. Is this application made for—

(a) Authorization to construct new radio station? No.

(b) Authorization to change present location of transmitter of existing station? Yes.

(1) What is distance in miles between present location and proposed location of transmitter? Approximately 3 miles. Exact site not yet determined.

(c) Authorization to change maximum rated carrier power, which necessitates installation of new equipment? No.

(1) Applicant represents that present maximum rated carrier power is 250 watts.

(2) Applicant represents that proposed maximum rated carrier power is 250 watts.

(d) Authorization to install new equipment? Yes.

(1) Indicate what new equipment is to be installed (check):

(a) New transmitter ----------

(b) Change in system of modulation ----------

31 (c) Change in type or number of vacuum tubes in last radio stage ----------

(d) Other changes (specify): New antenna and ground system.

4. What is applicant's principal business? Radio broadcasting.

5. Is applicant a citizen of the United States? Illinois Corporation. If so, state whether by birth or naturalization ----------

6. Is the applicant a representative of an alien or foreign government? No.

---

[1] If a corporation, state corporate name; if a partnership, state names of all partners and the name under which the partnership does business; if an unincorporated association, state the name of an executive officer, the office held by him, and the name of the association. The same name or names should be signed in the place provided at the end of application, except that in the case of a partnership, the application may be signed in the name of the partnership by one of the partners.

7. State whether applicant is a corporation, partnership, or association. Corporation.

8. If applicant is a corporation—

(a) Under laws of what State or country is it organized? Illinois. (A certified copy of the articles of incorporation shall be attached if not heretofore filed with the Commission.)

(b) Is more than one-fifth of capital stock owned of record or may it be voted by aliens or their representatives or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country? No.

(c) Is any director or officer an alien? No. If so, state name and position of each ----------

(d) Give names and addresses of all stockholders owning and/or voting 10 percent or more of applicant's stock and percentage of stock held by each. W. E. Klauer, Hotel Julien, Dubuque, Iowa—99%.

(e) Is stock to be sold after this permit is issued for purpose of raising money to construct and/or operate the proposed station? No.

9. If applicant is a corporation, is applicant directly or indirectly controlled by any other corporation? No.

(a) If so, give name and address of such controlling corporation ----------

(b) Under laws of what State or country is such corporation organized? -------- (A certified copy of the articles of incorporation shall be attached if not heretofore filed with the Commission.)

(c) Is more than one-four of capital stock of such corporation owned of record or may it be voted by aliens, their
32 representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country? ————

(d) Is any director or officer of such corporation an alien? ---------- If so, state name and position of each ----------

(e) Is the above-described controlling corporation in turn a subsidiary? ---------- If so, attach additional sheets answering question 9 (a) to (d), inclusive, for each company to and including the organization having final control.

10. If application is made in behalf of an unincorporated association, state—

(a) Purpose of the association ---------- (A certified copy of the articles of association, or bylaws, shall be attached if not heretofore filed with the Commission.)

(b) The number of members ----------

Insert for F. C. C. Form No. 301

(These questions must be answered)

No. 4 (a). What other business or businesses is applicant directly or indirectly interested in; explain fully? None.

No. 4 (b). If applicant is a corporation, what other business or businesses are the officers, directors, or principal stockholders directly or indirectly interested in; explain fully? (Attach additional sheets if necessary.) W. E. Klauer, President of the applicant corporation, is General Manager of the Klauer Manufacturing Company, Dubuque, Iowa, and Vice-President of the Klauer Julien Hotel Corporation, Dubuque, Iowa.

(c) Whether any members are aliens ----------

(d) If so, state name and position of each ----------

11. (a) Is applicant directly or indirectly, through stock ownership, contract, or otherwise, interested in the ownership or control of any other radio broadcasting stations? No. If so, state call letters and location of such stations ----------

(b) Has the applicant in the past been directly or indirectly interested in the ownership or control of any radio broadcasting stations? No. If so, state call letters and location of such stations ----------

33 12. (a) State applicant's relation to station (whether applicant is to be owner or lessee, and, if neither owner nor lessee, state nature of applicant's interest in use and control of station). Owner. (If not owner, a copy of agreement showing applicant's interest in station must be attached if not heretofore filed with the Commission.)

(b) If applicant is not to be owner of station, who is? ----------

(c) Will applicant have absolute control of station, both as to physical operation and programs broadcast? Yes. If not, attach copy of any contract which may in any way affect applicant's right to do so.

13. List assets and liabilities and state fully the facts showing applicant's financial responsibility with respect to the construction and operation of station.

Bldgs., bldg. equipment, fixtures	$5,362.50
Brdcstg. equipment, less depreciation, Jan. 1, 1936	11,250.00
Cash on hand and in banks	7,854.06
Accounts receivable	9,700.00
Accounts payable	400.00

14. (a) Has the applicant been finally adjudged guilty by any Federal court of unlawfully monopolizing, or attempting unlawfully to monopolize, radio communication directly or in-

directly through control of manufacture or sale of radio apparatus, exclusive traffic arrangements, or any other means, or of unfair methods of competition? No.

(b) Is applicant directly or indirectly controlled by any party finally adjudged guilty as above stated? No.

15. The frequency, power, and hours of operation requested for the proposed station are as follows:

(a) Frequency 1500 kilocycles.
(b) Power (night) 100 watts.
(c) Power (day) 250 watts.
(d) Hours of operation:
(1) Unlimited
(2) Daytime only ----------
(3) Limited ----------
(4) Sharing with (specify stations) ----------
(5) Other (specify) ----------

(e) State number of hours per day proposed station will operate. 16 hours.

34 (f) Does the application directly request the assignment of all or any part of the facilities (i. e., frequency, power, and/or hours of operation) now assigned to any other station or stations? No. If so, specify the station or stations and the facilities requested to be withdrawn therefrom ----------

16. Description of transmitting apparatus proposed to be installed—

(a) Make, Collins Radio Company. Type no. 300–C.

(b) Oscillator: Type of circuit ---------- Number, manufacturer's name, and type of tubes ---------- Normal plate current, per tube ---------- Plate voltage ----------

(c) List buffer and intermediate power amplifier stages, by number and type of tubes in each stage ----------

(d) Last radio stage: Number, manufacturer's name, and type of tubes ---------- Normal night operation for power requested: Plate current, per tube ---------- Plate voltage ---------- If greater day power than night power is requested, specify the following: Normal day operation: Plate current, per tube ---------- Plate voltage ---------- Describe fully the proposed method and procedure of reducing power at sunset ----------

(e) Modulator or last audio stage: Number, manufacturer's name, and type of tubes and how operated (Class "A," "A Prime," or "B") ---------- Normal plate current, per tube ---------- Plate voltage ----------

(f) Which radio stage is modulated? ----------

(g) What system of modulation is employed (high level, low level, grid bias in last radio stage, etc.)? ----------

(h) If low-level modulation is employed, give for modulated radio stage: Number and type of tubes _____ Plate current, per tube _____ Plate voltage _____

(i) The transmitter is designed for what maximum percentage of satisfactory modulation? _____

(j) What modulation measuring device will be used to determine that this percentage of modulation is obtained? _____

(k) Specify manufacturer's name, type, number, and full scale reading of the following meters:

(1) In last radio stage: Plate voltmeter _____ Plate ammeter _____

(2) Antenna ammeter _____

35 (l) Describe the plate power supply for last stage _____ Rating: Current _____ Voltage _____

(m) Maximum carrier power output of transmitter for satisfactory operation is _____ watts.

(n) Maximum rated carrier power of transmitter as determined by orders of the Federal Communications Commission is _____ watts.

17. (a) Type of antenna, 3/8 wave self-supporting Truscon vertical radiator.

(b) Height of vertical lead 250 feet.

(c) Length of flat top (if any) _____ feet.

(d) If not fully described above, give complete details _____

(e) Counterpoise (if used)—type and dimensions _____

(f) Antenna ground (if used)—how obtained? Radial (90 radials—total 18,000 ft.).

18. Applicant represents (1) that there is attached or (2) that there has been heretofore filed with the Commission, an accurate schematic diagram of the fundamental radio and audio circuits of the transmitter proposed, including antenna and ground or counterpoise connections, antenna feed system, and that it indicates the type of tubes. (This should be a blueprint or ink drawing, and, if possible, the size of this application, and attached hereto.)

19. (a) State what apparatus is included as an integral part of the transmitter that will automatically hold frequency within the required limits. "HA" cut quartz plate crystal with 50° C.

(b) Within how many cycles of the assigned frequency is this apparatus designed and guaranteed to hold the operating frequency? Plus or minus 50 c. p. s.

(c) State manufacturer's name and type number of this frequency-control apparatus. Collins Radio Company type 293.

(d) State whether or not frequency-control apparatus is automatically maintained at constant temperature. Yes.

(1) If so, state manufacturer's name and rated accuracy of the thermostat. American Instrument Company—plus or minus .1° C. Of the thermometer. American Instrument Company—plus or minus .1° C.

(2) Attach the circuit diagram of automatic temperature control system if not already on file with the Commission. On file.

36 (3) Attach a sketch or drawing of the automatic temperature control chamber, if not already on file with the Commission. On file.

(e) State name and type number of separate frequency monitor. Doolittle & Falknor Type Ser. No. 124.

(f) Give Federal Communications Commission approval number. 1455.

20. Cost of proposed station: Transmitter. $_____ Studio, $_____ Other items (state nature). Antenna and ground system $4,000.00. Land and Transmitter Bldgs., 6,000.00.

21. Proposed location of transmitter: State, Iowa. County, Dubuque. City or town, Julien Township—exact site to be determined. Street and number _____ Exact site to be determined. N. Latitude: Degrees _____, minutes _____, seconds _____ W. Longitude: Degrees _____, minutes _____, seconds _____

22. Number of persons residing within various distances of proposed location of transmitter is as follows: Exact site to be determined 0.4 mile _____, 1 mile _____, 2 miles _____, 3 miles _____, 5 miles _____, 8 miles _____

23. (a) Number of broadcasting stations (by call letters) located within various distances of proposed location of transmitter is as follows: 1 mile, None. 2 miles, None. 3 miles, None. 8 miles, None.

(b) Number of nonbroadcasting (commercial or Government) Receiving stations located within various distances of proposed location of transmitter is as follows: 1 mile, None. 2 miles, None. 3 miles, None.

24. (a) Name and give location of all Airports within 10 miles of proposed location of transmitter. Dubuque Municipal Airport (New—under construction).

(b) Give distance from proposed location of transmitter to each of such airports. Exact location of transmitter not yet determined.

(c) Name and give distance to any established Airways within 10 miles of proposed location of transmitter. None.

(d) Give maximum height (in feet) of towers above ground level. 250.

37 (e) Will towers be painted and marked with signal lights to conform with specifications of Department of Commerce (see Aeronautics Bulletin No. 9)? Yes.

(f) If application is for new station or change of transmitter location of existing station, attach map showing present location, proposed location, character of the surrounding area (retail or wholesale business, manufacturing, residential, or unpopulated; also, density of population, type of soil and terrain) and the location of airports, airways, and other radio stations, including receiving stations, except broadcast or amateur.

25. Proposed location of main studio: State, Iowa. County, Dubuque. City or town, Dubuque. Street and number, Hotel Julien, 2nd & Main St. Other studios maintained by station____

26. Average percentage of time expected to be devoted monthly to following services:

Commercial Programs:

(1) Entertainment, 30%.
(2) Educational, 5%.
(3) Religious _____
(4) Agricultural _____
(5) Fraternal _____
(6) News, 10%.
(7) _____

Sustaining Programs:

(1) Entertainment, 20%.
(2) Educational, 15%.
(3) Religious, 5%.
(4) Agricultural, 12%.
(5) Fraternal, 1%.
(6) Charities, 2%.
(7) _____

27. (a) Does applicant expect to obtain programs from what is known as a "chain"? Yes.

(b) Name of chain or chains. Affiliated Broadcasting Company.

(c) What will be the percentage of total time proposed to be used for chain programs (i. e., programs both paid and sustaining, which are duplicated by any other station)? 35% to 50%—No duplication in this service area.

(d) What will be the percentage of total time proposed to be used for merchanical reproduction (i. e., photograph records, electrical transcriptions, player piano, etc.)? 25%.

28. (a) State the objects to be attained by the construction, or changes in construction, for which application is made. 28 (a). Authority is requested in this application to move Station WKBB from its present site at East Dubuque, Illinois, to a more
38 efficient site just across the state line in Julien Township, Iowa, and to install an improved antenna and ground system, thus enabling the station to increase its present coverage and to improve its signal in the most populous section of its service area: namely, Dubuque, Iowa.

At the proposed new location the station will not only serve all of the area served by it at its present location, but will render a stronger signal in that area and extend its service to a large number of listeners in the territory surrounding Dubuque who are unable to receive the station at the present time.

(b) State definitely what service will be rendered by the proposed station which is not now available to the community which it expects to serve ----------

29. If the construction permit is granted, the construction will be commenced within 30 days of the granting thereof and will be completed and the station ready for operation within 180 days thereafter.

30. The applicant waives any claim to the use of any particular frequency or of the ether as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests a construction permit in accordance with this application.

Dated this 13th day of May, 1936.

SANDERS BROTHERS RADIO STATION
(Must correspond with item 1),
Applicant.

By W. E. KLAUER,
President-Agent.

(Be sure all necessary information is furnished)

CITY OF WASHINGTON,
District of Columbia, ss:

W. E. Klauer, being first duly sworn upon his oath, affirmed according to law, deposes and says that he is the (If applicant is not an individual, state relation of affiant to applicant) President of the above-named applicant, and that the facts stated in
39 the foregoing application and all exhibits attached thereto are true of his own knowledge, except as to such statements

as are therein stated on information and belief, and as to such statements he believes them to be true.

W. E. KLAUER, *Affiant.*

Subscribed and sworn to before me this 13th day of May 1936.

[SEAL] MIRIAM KOONTZ,
Notary Public, D. C.

(Notary Public's seal must be affixed where law of jurisdiction requires; otherwise state that law does not require seal.)

My commission expires January 3, 1941.

Before the Federal Communications Commission (Broadcast Division)

WASHINGTON, D. C., *September 14, 1936.*

Docket No. 3967

In the Matter of Petition of Telegraph Herald, Dubuque, Ia. Call Letters, New. Application for construction permit—frequency requested, 1340 kc.; power requested, 500 watts; daytime. Other Participants: WSPD, Toledo, Ohio; WKBB, East Dubuque, Ill. (Intervener).

Docket No. 4031

In the Matter of Petition of Sanders Bros. Radio Station, E. Dubuque, Ill. Call Letters: WKBB. Application for construction permit to move: frequency requested, 1500 kc.; power requested, 100 w., 250 w., LS; unlimited time. Other Participants: Telegraph Herald, Dubuque, Iowa (Intervener).

Statement of evidence

The above-entitled matter came on for hearing before Examiner James P. Bramhall, in Room 7121, Interstate Commerce Commission Building, at 10 o'clock a. m.

Appearances

On behalf of the Commission: Tyler Berry, Esq.

On behalf of Telegraph Herald: Eliot C. Lovett, Esq., 729 15th Street NW., Washington, D. C.

On behalf of Sanders Bros. Radio Station: Louis G. Caldwell, Esq., and Reed T. Rollo, Esq., 914 National Press Building, Washington, D. C.

On behalf of Station WSPD: Horace L. Lohnes, Esq., and E. D. Johnston, Esq., Munsey Building, Washington, D. C.

Colloquy

The EXAMINER: I will now call the calendar. Docket No. 3967, Telegraph Herald, Dubuque, Iowa, application for construction permit for operation on 1340 kilocycles, 500 watts power, daytime.

Mr. LOVETT. Present and represented by E. C. Lovett.

The EXAMINER. I will call the participants in that case. WSPD, Toledo, Ohio.

Mr. LOHNES. Represented.

The EXAMINER. WKBB, East Dubuque, Illinois, Intervener.

Mr. ROLLO. Represented by Reed T. Rollo.

The EXAMINER. Docket No. 4031, WKBB, Sanders Bros. Radio Station, East Dubuque, Illinois, application for construction permit to move, I assume, from East Dubuque, to Dubuque.

Mr. ROLLO. Represented by Reed T. Rollo.

41 The EXAMINER. Other participants, the Telegraph Herald, Dubuque, Iowa, intervener.

Mr. LOVETT. Represented by E. C. Lovett.

The EXAMINER. I assume there is no reason why these cases should not be consolidated and heard as one case.

Mr. ROLLO. I have no objection.

Mr. LOVETT. We have no objection.

The EXAMINER. Let the record show that the hearings in Docket 3967 and Docket 4031 are consolidated.

Are all of the parties ready?

Mr. LOVETT. We are ready to proceed.

The EXAMINER. All of the witness will rise and be sworn.

(The witnesses were sworn by the Examiner.)

Mr. ROLLO. If the Examiner please, before the commencement of the taking of testimony I would like to make a brief opening statement on our case.

The EXAMINER. All attorneys participating in both or either one of the cases involved in this proceeding, will be required to file separate appearances for each party represented.

What is the nature of your statement, Mr. Rollo?

Mr. ROLLO. I would like to make a statement of our understanding of the issues raised in the two applications about to be heard. It will be very brief.

The EXAMINER. Does the other side want to make a statement?

Mr. LOVETT. I will wait to hear what they have to say.

The EXAMINER. You may proceed, Mr. Rollo.

Mr. ROLLO. As the Examiner knows, the proceeding involves two applications, one from my client WKBB, an existing station in East Dubuque, Illinois, just across the river from Dubuque, Iowa, and it proposes by its application to move its transmitter and its main studio from East Dubuque over to a site to be determined in Dubuque.

It is our position that such an application under ordinary circumstances would have been granted without a hearing, inasmuch as the application now falls within the effective field of the Davis Amendment. At the time it was filed and at the time it was receiving the recommendations from the Commission's Divisions, the Davis Amendment and the quota rules of the Commission were on the books.

42 The application proposes to increase the efficiency of the existing station, and we propose by competent testimony to show that.

We also propose by competent testimony to show that we will not diminish our present service area in any way.

The application of the Telegraph Herald, the other application in the proceeding, is an application for a daytime station, a new station, to be operated on a regional frequency.

We do not question the fact that the Telegraph Herald would operate a meritorious station probably, if granted its application; but it is our position, and we expect to offer testimony to you today to show that WKBB is rendering a meritorious service, and that the community which it serves is not competent to support two radio stations from a commercial viewpoint; that two stations operating competitively in that area would have the effect of deteriorating the existing service of WKBB, and there would not be left sufficient commercial support for the other station to operate a meritorious service.

The EXAMINER. In other words, you take the position it would be unsound to establish another station in that vicinity?

Mr. ROLLO. That is correct.

The EXAMINER. What have you to say, Mr. Lovett?

Mr. LOVETT. We will prove to the contrary.

The EXAMINER. All right, you may proceed with your case, Mr. Lovett.

Mr. LOVETT. I will call the first witness, Mr. Arndt.

Whereupon WILLIAM J. ARNDT, a witness called on behalf of the Applicant in Docket No. 3967, having been first duly sworn, was examined and testified as follows:

Direct examination by Mr. LOVETT:

Q. Will you give your name, residence, and occupation?—A. William J. Arndt, residence, Dubuque, Iowa. I am circulation manager of the Telegraph Herald and a director of the corporation which is the applicant in this proceeding.

Q. How long have you lived in Dubuque?—A. Approximately 21 years.

43 Q. How long have you been connected with the Telegraph Herald?—A. About 14 years.

Q. In what business is the Telegraph Herald engaged?—A. The Telegraph Herald is an Iowa corporation principally engaged in the publication of a daily newspaper known as the Telegraph Herald, and a job-printing establishment which of course is regarded as an entirely separate entity.

Our charter has been amended to authorize us to own and operate a radio station.

Mr. ROLLO. I object to that and move that it be stricken, in the absence of proof of the charter itself.

By Mr. LOVETT:

Q. Have you a copy of the amendment to your charter?—A. We have.

The EXAMINER. The objection will be overruled. You will follow it up by introducing a copy of the charter. I think the file already has a copy of the charter in it.

Mr. LOVETT. At this point I also wish to state that there has been filed with the Commission a certified copy of the complete charter including the amendment to the charter, and I would like to have that incorporated in the evidence by reference.

However, the witness, as he stated, has a copy of the amendment, so that it may be placed in the record at this time for convenient reference.

I therefore offer in evidence a certified copy of the amendment to the charter, as Applicant's Exhibit No. 1.

The EXAMINER. That will be admitted in evidence.

(The document referred to was received in evidence, marked "Applicant's Exhibit No. 1, Docket No. 3967," and is filed with the transcript in the possession of the Commission.)

By Mr. LOVETT:

Q. This Exhibit No. 1 is a true copy of the amendment as filed with the Secretary of State?—A. It is.

Q. When was the Telegraph Herald established?—A. The Telegraph Herald was established in 1836, and for the past
44 century has devoted its interests to the dissemination of news, advertising, and various features of printed entertainment.

We maintain a large reportorial staff in the City of Dubuque, and upwards of 150 country correspondents, as a news-gathering organization.

Q. Who are the officers and directors of the Telegraph Herald?—A. The officers are Fred W. Woodward, president; Joseph C. Quigley, vice president; C. L. Woodward, secretary; and F. R. Woodward, treasurer.

The directors, in addition to those officers already named, include Mark R. Kane, Elsie Woodward, and myself, William J. Arndt.

Q. Will you give the names and address of the stockholders who own 10 per cent or more of the capital stock, and give the amount owned by each?—A. Fred W. Woodward and Joseph C. Quigley are the majority stockholders. Mr. Woodward owns approximately 51 per cent of the stock and Mr. Quigley owns approximately 24 per cent of the stock.

Q. They are both residents of Dubuque?—A. Correct.

Q. Are any of the officers, directors, or stockholders of the corporation aliens?—A. No; all of the officers and stockholders are natural-born American citizens.

Q. What area does the Telegraph Herald serve?—A. Our service area extends approximately 50 miles in all directions from Dubuque. However, we extend a greater distance to the northwest in the State of Iowa. Generally the counties immediately bordering Dubuque I have in mind as serving are Jackson County, Delaware County, Clayton County in Iowa, Grant County in Wisconsin and Jo Daviess County in Illinois, which mostly includes the Dubuque trade area.

Q. What is the general character of this area?—A. The general character is principally farming products, of which are corn, hogs, dairying, butter and eggs, cheese, and creameries scattered throughout the territory, small grains and so forth.

Q. What is the approximate total circulation of the Telegraph Herald?—A. In excess of 31,000.

Q. How is that distributed with relation to Dubuque, Dubuque County, and the balance of the area?—A. The circulation in the City of Dubuque is a trifle in excess of 10,000. In the County of Dubuque it is approximately 14,000. I believe that is what you asked, was it not?

Q. So that in excess of 50 per cent of your circulation is outside of the County of Dubuque?—A. That is correct, because it is 14,000, in relation to the 31,000.

Q. What is the population of Dubuque and of Dubuque County?—A. Dubuque, according to the 1930 Bureau of the Census figures, has 41,678; Dubuque County has 61,214, of which ap-

proximately almost 32 per cent in Dubuque County is rural population.

Q. What is the character of the population in the City of Dubuque?—A. Approximately 93 per cent is native white, 6 per cent foreign-born, .2 negro.

Q. Will you tell us what is the population of these other five counties you have mentioned and the percentage of that population which is rural?—A. Clayton County has a total population in excess of 24,000, and approximately 100 per cent of this population, according to the 1930 Bureau of the Census, is rural population. I think I have the exact figure here of that population.

Q. Will you give that figure for Clayton County again and give it accurately?—A. According to the 1930 census Clayton County has a population of 24,559. The percentage of the rural population according to the 1930 census is 100 per cent in that particular county.

There are only four towns, incidentally, in that county, that have a population of 1,000 or more. Elkader, the county seat has a population of 1,382; Strawberry Point has a population of 1,228; McGregor has a population of 1,299; and Guttenberg has a population of 1,918.

Delaware County has a population of 18,122, of which 81-plus per cent is rural population.

Only one town in this county has in excess of 1,000 population, which happens to be the county seat, Manchester, with a population of 3,413.

Jackson County has a population of 18,481, of which 80-plus per cent is rural population.

Two towns in this county have a population of 1,000 or over. Here again the county seat, Maquoketa has a population of 3,595 and Bellvue has a population of 1,717.

46 Grant, County, Wisconsin, has a population of 38,469, of which 89-plus per cent is rural population.

Four towns in this county have a population in excess of 1,000. Lancaster has a population of 2,432; Cuba City has a population of 1,157; Fennimore has a population of 1,341; and Platteville has a population of 4,047.

Jo Daviess County, Illinois has a population of 20,235, of which 80-plus per cent is rural population.

Three towns in this county have 1,000 or more population; the county seat, Galena, has a population of 3,878; Warren has a population of 1,179; and East Dubuque, Illinois, has a population of 1,395.

That concludes the six counties I mentioned.

Q. Mr. Arndt, are you personally familiar with these various counties and the density of the population in them?—A. I am, by reason of my position with the Telegraph Herald having taken me into those particular areas frequently.

Q. What have you to say with reference to the density of the population in the area say 35 miles from Dubuque in all directions and extending for about 15 miles?—A. It cannot be considered as densely populated for the reason that in this particular area the farms average about 160 acres to a half section, and in some cases a section of 640 acres, so that it is sparsely settled, large farms, in other words.

Q. You have indicated that there are practically no towns of any particular importance.—A. Yes; the records from the 1930 census speak for themselves in that respect.

Q. What, if any, other newspapers and advertising media serve this area composing the six counties or parts of them?—A. There is a total of 29 weekly newspapers and 13 daily newspapers that circulate in this particular area.

Of those 13 daily newspapers in Dubuque is the Catholic Daily Tribune and the Des Moines Register-Tribune of Des Moines and the Cedar Rapids Gazette of Cedar Rapids, which are competitive both from a circulation and advertising standpoint, especially from an advertising standpoint in a national way.

In addition to these media we have the Dubuque Leader, a weekly paper, the Buyers Guide and the Direct-by-Mail, and the Witness. Those are published in Dubuque.

47 Q. Are there any other advertising media or have you listed them all?—A. I might amplify my statement by saying that the 29 weekly newspapers are sold to Dubuque advertisers as a group or any portion thereof, the decision resting entirely within the discretion of the proposed buyer.

Q. Does the Telegraph Herald publish the radio programs of WKBB of East Dubuque?—A. No, sir.

Q. Why not?—A. We have never been approached on that matter.

Q. What caused the Telegraph Herald to make application for a permit to construct this station in Dubuque?

Mr. LOHNES. I do not know what that has to do with it.

The EXAMINER. Is that an objection?

Mr. LOHNES. Yes, sir.

The EXAMINER. The objection will be sustained.

By Mr. LOVETT:

Q. What was the purpose of the Telegraph Herald in making this application?

Mr. LOHNES. I make the same objection.

The EXAMINER. That is calling for a conclusion and the objection will have to be sustained.

Mr. LOVETT. Mr. Examiner, that calls for a statement of fact on which they based their decision.

The EXAMINER. You open a very wide field when you ask why a man applied for a radio station. The objection will be sustained.

Mr. LOHNES. The fact remains they have applied for one.

The EXAMINER. The objection will be sustained. It is assumed he wanted a radio station, and applied for it.

Mr. LOVETT. And I am asking for a general statement of what he intends to accomplish with that station.

The EXAMINER. The answer necessarily would be a conclusion. Let the statement of facts of the witness determine whether or not he wanted the station, and how bad he wanted it and whether he is entitled to it or not.

Mr. LOVETT. And what he intends to do with it after he gets it. I am asking him that question.

The EXAMINER. Go ahead to something else.

48 By Mr. LOVETT:

Q. I will ask what use they plan to put this station to if they be permitted to establish it.—A. To more adequately serve that area, especially from a localized standpoint.

Q. What have you to say regarding the educational institutions and educational system in the City of Dubuque and this area?—A. Dubuque, I should say, is regarded as one of the outstanding educational cities in the Middlewest, by reason of the fact, first of all, that we have 10 public schools—10 parochial and private schools, five academies, two colleges, one university and one commercial college.

The enrollment of these various institutions is in excess of ten thousand pupils.

The EXAMINER. You mean collectively?

The WITNESS. Collectively, that is correct. The total enrollment of the various institutions is what I had reference to.

Then, the moment you get outside of Dubuque we are interested in the agricultural aspect of that territory. The large percentage of the population you find in this area is rural population.

By Mr. LOVETT:

Q. You are interested in that population to a radius of how many miles?—A. As I stated before, we are interested in a radius of 40 to 50 miles.

Q. What type of equipment do you propose to install?—A. The tentative plans are to install a Collins radio, Type 20-A transmitter with vertical radiator at least 185 feet in height. The

antenna system will of course be designed by our engineer, Mr. John Barron, who will of course later testify as to the technical application, but incidentally he has our authority to make any changes that might be necessary to adequately serve this area of 40 to 50 miles.

Q. Where do you propose to locate the transmitter, if any decision has been made?—A. There again it will be up to our engineer to decide the location.

However, we have made tentative arrangements whereby we could locate the transmitter approximately three miles due north by a little east of the business center of the City of Du-
49 buque. Tentative plans have been made for an agreement covering this particular lease, subject of course to approval by the Commission and site tests.

Q. What type of transmitter house do you propose to construct?—A. Our plans are to house the transmitter in a fireproof brick building.

Q. Where do you propose to locate the studios?—A. In the Telegraph Herald Building, on the second floor.

Q. Is adequate space available there?—A. Yes, available space is there, and quite sufficient space.

Q. What type of studio do you propose to construct?—A. We propose to construct two studios. They, of course, will be soundproofed and acoustically treated, and modern in every respect. One of these studios will be sufficiently large to accommodate orchestras and groups comprising a great many people.

Q. What do you estimate will be the approximate cost of construction?—A. Approximately $25,000.

The EXAMINER. Does that include the installation and all?

The WITNESS. Yes, that includes the construction.

By Mr. LOVEIT:

Q. Who will comprise your personnel? A. The personnel will be comprised of the studio manager, a chief engineer, assistant engineer, a program director, chief announcer, two assistant announcers, three operators, one stenographer, and an adequate sales force.

Q. What do you estimate will be the monthly operating cost? A. In the neighborhood of $2,000.

Q. Will you state whether or not the Telegraph Herald is prepared to meet this expense of construction and operation?

Mr. ROLLO. I object to that question. There has been no foundation laid to show that this witness is qualified to answer.

The EXAMINER. It is objectionable as calling for a conclusion, but if your are going to follow that up with a financial statement I will let it in, in that form.

Mr. ROLLO. I would like to object to the question for the reason I do not believe the witness is qualified to detail a financial statement.

50 The EXAMINER. Have you someone here to do that?

Mr. LOVETT. He is perfectly qualified to do that.

The EXAMINER. Go ahead and qualify him on that score.

By Mr. LOVETT:

Q. What is your position in the corporation?—A. A director of the corporation.

Q. Have you access to the corporate books?—A. I have.

Q. Have you examined them recently?—A. I have.

Q. Can you state of your own knowledge the financial condition of the applicant?—A. Positively.

Q. Will you state what its assets, liabilities, and net worth are now?—A. The assets of the Telegraph Herald are in excess of one million dollars. The liabilities are $160,000, leaving a net work of approximately $942,000.

Q. Isn't it $842,000?—A. It is $160,000 from the $1,000,000 which leaves $840,000—Yes, I stand corrected on that.

Q. Will you state whether or not the corporation has taken steps to authorize the expenditure of such funds as may be necessary for the purpose of this construction and operation?—A. Yes, they have. A meeting of the directors was held just recently authorizing all expenditures necessary and advisable, and they passed a resolution to that effect.

Q. Have you a copy of that resolution here?—A. Yes, I have.

Q. You may read it into the record if it is not too long.

Mr. LOHNES. I think a copy of the resolution properly certified by the secretary of the corporation should be introduced in evidence, and I object to the reading of the resolution.

The EXAMINER. Yes, unless he was present at the time and participated in the action taken.

The WITNESS. This state, "Special Meeting of the Directors——"

The EXAMINER. (Interrupting.) It will not be necessary to read it. You are going to offer that in evidence, are you not?

Mr. LOVETT. I was not planning to, because I felt his word was sufficient that it had been passed.

51 The EXAMINER. It will not be necessary to read it, that can be introduced in evidence.

Mr. LOVETT. Then, if the Examiner please, I now introduce this resolution in evidence and offer it as Exhibit No. 2, and we would ask leave to furnish an extra copy before the hearing is completed.

The EXAMINER. That will be admitted in evidence as Applicant's Exhibit No. 2, subject of course, to the filing of the exhibit in duplicate.

(The document referred to was received in evidence, marked "Applicant's Exhibit No. 2, Docket No. 3967," and is filed with the transcript in the possession of the Commission.)

By Mr. LOVETT:

Q. Mr. Arndt, state whether or not it is the intention of the Telegraph-Herald to operate this station on a commercial basis?—A. Yes, it is our intention to do that.

Q. Have you investigated the advertising possibilities in the area which you propose to serve?—A. Yes, I have.

Q. Will you state what your investigation has disclosed?—A. Dubuque, Iowa, has approximately 350 advertising accounts of which——

The EXAMINER. (Interrupting.) You mean those are accounts that advertise regularly in the newspaper?

A. In the different media.

The EXAMINER. As a whole?

The WITNESS. As a whole, yes.

The EXAMINER. All right, go ahead.

The WITNESS. Of these accounts, 231 are active accounts.

Mr. ROLLO. Mr. Examiner, may I inquire as to the source of this information? There has been no foundation laid for it.

The EXAMINER. Yes, that would be pertinent.

The WITNESS. We maintain a record in our office of all advertising accounts, and I have access to the records at all times. We tab those that are active accounts, and included in those are the additional accounts that we do not regard as active, but are potential insofar as they are interested in a certain advertising medium.

Mr. ROLLO. Do you propose to furnish a list of the advertisers you mentioned, the 350?

52 The WITNESS. I propose to offer the names.

Mr. LOVETT. He proposes to offer evidence to support his statement regarding the availability of advertising.

The EXAMINER. Will you supply the names of those you refer to?

Mr. LOVETT. Yes, he is just making a general statement regarding the advertising possibilities in Dubuque and will furnish the list later.

The EXAMINER. All right, you may proceed.

By Mr. LOVETT:

Q. Will you also state what your investigation has disclosed regarding Dubuque being a business and industrial center.—A. Dubuque is very advantageously located by reason of the fact that four Western railroads operate through Dubuque, and the

inland waterways corporation barge line and twenty-four freight lines operate daily in and out of Dubuque.

The EXAMINER. Freight trains?

The WITNESS. No, twenty-four motor freight lines, in addition to the four railroad lines.

The completion of the locks and dams along the Mississippi will greatly increase the traffic over the inland waterways barge line.

Dubuque ranks highly as a railroad distributing point and a cigar distributing center. We have four grocery jobbers, and we have fruit jobbers, beverage distributors, flour jobbers, one large drug jobber, paper products jobbers; and Dubuque is headquarters for three lumber dealers who maintain branches in towns in this area.

Industrially, I might state that we have the Farley-Lecter Sash & Door Mills, the largest I believe in the world, I know it is the largest in the United States.

In addition to that we have another large sash and door industry, the Carr-Rider-Adams Company.

We have pumping and plumbing supplies such as A. Y. McDonald Manufacturing Company, the Cricher-Treadway Company, and a large foundry, the Adams Foundry.

The Dubuque trade area produces approximately a thirty-five million dollar retail market, and a sixty-four million dollar wholesale market, of which twelve million is retail within the city of Dubuque and twenty million wholesale.

53 These figures were obtained from the 1933 market survey of the 1933 Bureau of Census. Indications point to even healthier conditions in this area by reason of the fact that agriculture will benefit by a better market due to increased prices to the farmer.

As I stated before, Dubuque has 231 active advertisers, and of this amount I personally contacted sixty, and they have manifested a desire and willingness to advertise over our station if and when we begin operations.

By Mr. LOVETT:

Q. Are any of these you have contacted now using radio as an advertising medium?—A. Out of the some sixty-odd I contacted, thirty-two have never advertised over the radio.

Q. Are the others advertising now?—A. No; they are not.

Q. You have mentioned these various establishments in Dubuque that are interested in radio advertising, and, according to your investigation, are there any outside of Dubuque that are potential advertisers, or any national advertisers?—A. Yes; there are advertisers outside of the city of Dubuque. I have in mind

first of all, the national advertising companies that naturally accrue to that market, the various hatcheries, dance pavilions, butter distributors, and so forth, outside of the city of Dubuque.

Q. Have you prepared a list of the various retail and wholesale outlets in the city of Dubuque?—A. Yes; I have.

The EXAMINER. Has he a list of those people he contacted for advertising?

By Mr. LOVETT:

Q. Did you prepare this list of retail and wholesale outlets in Dubuque?—A. Yes.

Q. You know it is correct?—A. Yes.

Mr. LOVETT. I offer this list in evidence as Applicant's Exhibit No. 3.

The EXAMINER. This shows various commercial establishments?

The WITNESS. That is right; classified.

Mr. ROLLO. Are they the sixty accounts you contacted?

The WITNESS. No; these are the retail and wholesale outlets.

54 Mr. Rollo. I have no objection to the exhibit if it is just offered to show the existence of the retail and wholesale outlets.

The EXAMINER. This last exhibit applies to Dubuque alone?

(The list referred to was received in evidence and marked, "Applicant's Exhibit No. 3, Docket 3967," and is filed with the transcript in possession of the Commission.)

The WITNESS. I might state in addition to the retail and wholesale outlets in the city of Dubuque, there are also considerable additional outlets in this particular area.

The EXAMINER. This last exhibit applies to Dubuque alone?

The WITNESS. Yes; the last exhibit applies to Dubuque.

By Mr. LOVETT:

Q. Would the figures indicated on this last exhibit comprise a majority of the retail and wholesale outlets in this radius of fifty miles of Dubuque?—A. Oh, no; not in the area. There is considerably more in some of the classifications outside of Dubuque than there would be right in the city of Dubuque.

Q. Who will determine the policies of the proposed station? A. The board of directors of the Telegraph-Herald. I am a member of the board, of course, and will be held responsible for the execution of the policies as outlined by the board.

Q. What radio programs are now received in Dubuque and the immediate vicinity, if you can state of your own personal knowledge?

The EXAMINER. What stations do you hear there in Dubuque?

By Mr. LOVETT:

Q. Yes; and the types of programs they broadcast.—A. The outstanding station received in Dubuque is Station WMT at Waterloo, a member of the NBC chain, and other clear-channel stations are received in the city of Dubuque—it is not necessary to name those, is it?

The EXAMINER. Name some of them you refer to.

The WITNESS. I have in mind, WGN, WMAU, both at Chicago, WHO at Des Moines, WLS at Chicago, WLW at
55 I think it is Cincinnati; and WIBA at Madison comes in very rregular, and of course, we have WKBB at East Dubuque, Illinois.

By Mr. LOVETT:

Q. Can you state of your own knowledge the type of programs received over these stations?—A. The type of program received over the clear channel stations, I think everybody is familiar with. They naturally deal in generalities.

Q. Are there any farm programs?—A. Yes; there is a farm program, a Farm and Home program of those stations, but they are not necessarily rendering a localized service that might be of particular interest to this area.

Station WKBB at East Dubuque does not localize their programs to any extent, and I might substantiate my statement by saying that on September 2nd, and I regarded that as a typical day's broadcast, I sat at my radio from seven o'clock in the morning until eleven o'clock at night, and I find that 52 percent of the programs originated from the ABC Network, that is the Affiliated Broadcasting Company; that 30 percent was transcriptions, and 18 percent local, of which the local announcer used about 115 minutes out of 170; there was one local artist of fifteen minutes, and an out-of-town sponsored orchestra for forty minutes.

Q. Did you consider that a typical week-day program of this station?—A. Yes; I would. I have compared the program with the list of WKBB's program.

Q. All right, continue.—A. On Sunday, September 6th, the result of my findings is given here. I was at my radio on that day from nine o'clock in the morning until eleven o'clock at night, and 68 percent are ABC Network programs; 23 percent transcriptions; and 9 percent local, of which 30 minutes was devoted to the United Church service, which was purely a local event, and 45 minutes devoted to an out-of-town sponsored orchestra, which was playing at that time at Melody Mill, and the name of the band was Ted Wayne, if that is important.

Q. You found no local talent on those programs other than you have stated?—A. Other than I have pointed out, the
56 local artist for fifteen minutes on this particular Thursday a typical day's program, and the thirty minutes United Church service on Sunday, I believe was the total.

Q. What types of programs do you intend to broadcast over the proposed station?—A. It is our aim to cater especially to agricultural and educational interests, and broadcast religious programs of all denominations, to give a timely news service, to cooperate with and give free time to all civic, philanthropic, charitable, and fraternal organizations, the local, county, and state agencies, and to provide a forum for the discussion of questions of public concern.

I have prepared a tentative program to illustrate and week's broadcast, and this is in accordance with the needs of the listeners and the availability of program material.

Of a week's broadcast, we will devote twelve and one-quarter hours to education; ten and one-sixth hours to agriculture; thirty-five and one-half hours to entertainment; five and one-twelfth hours to religion; ten and three-quarter hours to news; one and three-quarter hours to fraternal and civic broadcasts. I might amplify that hour and three-quarters of civic and fraternal broadcast by stating that this is a definite time assigned for that type of broadcast, and there will be occasions where this will be considerably higher by reason of some special civic program that we would want to broadcast.

It is our present intention to install remotes in the Dubuque Weather Bureau office, which will be used in conjunction with the County Agricultural Agent in Dubuque County and the other agricultural agents who will come to Dubuque and broadcast agricultural programs.

Q. Have you made tentative arrangements to that end?—A. Positively, yes. We will have a remote for the University of Dubuque, and Columbia College at Dubuque.

Q. You said your had prepared a proposed schedule of programs?—A. Yes; I have prepared a tentative week's program.

Q. From the copy of that program which you have prepared, will you point out some of the programs which are not now available to the Dubuque listening public?—A. Do you wish me to take the entire week's program?

Q. Take a particular day, then possibly some outstanding programs in other days of the week, limiting yourself,
57 however, to types of programs which are a departure from those now available to your proposed listeners?—A. First of all, by referring to a typical day's broadcast of Thursday,

which compared with WKBB's programs of this particular Thursday I indicated, there are:

Safety Flashes.

Local weather reports direct from the weather bureau.

Local market reviews.

Telegraph-Herald Woman's Institute.

Columbia College of the Air.

General market reports.

United Press News Flashes.

Tri-State Weather Forecast direct from the weather bureau.

Grant County Farm Program, which happened to fall on that particular day.

Book Review.

Behind the Scenes.

News Commentary.

Grant County School Program, which again happened to fall on that particular day.

Closing market quotations.

Clark College of the Air.

If you wish, I can take the complete week's program and point out some others.

Q. Just point out some particular program for each day, and that will be sufficient.

Mr. LOHNES. Mr. Examiner, I have not objected up to this point, but I do not think we should go into great detail in a tentative program when there has been no testimony so far that he has contacted any of these people, but it is merely what, in the mind of the witness, he would put on if he should obtain the program material.

By Mr. LOVETT:

Q. And on what is your listing based?—A. My listing is based on actual contacts for the local talent in Dubuque available, as it applies to this program. I have interviewed them, they have shown a keen interest in broadcasting these various programs I have outlined, and have given me assurance of every cooperation in putting on worth while local broadcasts.

Q. Very well, continue. A. On Monday, of course, there would be an occasional Rotary Club broadcast.

I am not going to name those I originally stated in the Thursday program, but just the additional ones.

Protective program from the sheriff's office.

On Tuesday, and this is true for the entire week, we have morning devotion, with the cooperation of the Dubuque Ministerial Association.

Mother Goose Time originating from the Mothers' Clubs of the Congregational and Presbyterian churches.

The Dubuque Police Department.
The Delaware County Farm Program.
Travel Talks by Mr. Rhodes of the A. A. A.
The Delaware County School Program.
Parochial School Program.

On Wednesday we would have—do you wish me to repeat the morning devotion?

Q. No, just two or three each day is all that is necessary.—A. On Wednesday we would have:

Household Art;
Clark College of the Air;
Jackson County Farm Program;

Q. You have mentioned farm programs and educational programs in connection with these counties, just what is your arrangement in that connection?—A. The agricultural and farm programs will vary from day to day by reason of the fact that one county of the six will broadcast, for example on Monday, and the next county agent and the county superintendent will put on a program for the next day, and so on.

In other words, there is a program designed once a week for the special interests of one of the six counties for educational and agricultural matters, and the next day would be some other county agent and superintendent of schools.

Do I make myself clear on that?

Q. You have made definite arrangements to that end?—A. Positively, yes.

Q. You may continue.—A. Jackson County School Program;
The University of Dubuque Musical Program;
Dubuque High School, and this would be orchestra, bands, glee club and dramatics, which incidentally comes on from four thirty to five o'clock in the afternoon.

59 There will be a sports review and comment put on regularly.

Columbia College of the Air;
Grant County Farm Program;
Grant County School Program;
German Band, local talent;
Columbia College of the Air;
Week-end travel suggestions by Mr. Rhodes of the A. A. A. again;
Immaculate Conception Academy Educational Program;
How Does Your Garden Grow;
Friday the Jo Daviess County Farm Program;
Jo Daviess County School Program;
The University of Dubuque Educational Series, remote control;
Elementary Junior and High Schools;

Schrader Conservatory of Music Program.

Q. I understand these are all programs of your own knowledge definitely arranged for which are not now being received in this proposed area?—A. That is correct. That is from purely a local standpoint.

Q. That is, you mean there are some "Woman's Hour" program, or something like that, that may be received over a chain, but it is not localized?—A. That is right, it does not originate in Dubuque.

Continuing, Clayton County Farm Program:

Fraternal Activities, and this happens to be on Saturday afternoons;

Your Government;

Clayton County School Program;

On Sundays,

Uncle Bob Reads the Telegraph-Herald, and that would originate in Dubuque:

Church Calendar of the churches of Dubuque.

Q. Is there anything Sunday afternoon?—A. Telegraph-Herald local and territorial news:

Dramatics, University of Dubuque:

Current Events.

Of course, those I have indicated are in addition to the original programs I have mentioned.

Mr. LOVETT. Mr. Examiner, may I have this list marked for identification and offer it in evidence as Exhibit No. 4, by
60 filing an additional copy thereof this afternoon, as we do not seem to have our duplicate copy here.

The EXAMINER. Yes, but if you do not file them today, they will not be considered.

Mr. LOVETT. Then, I now offer the list that has been identified by the witness as Applicant's Exhibit No. 4.

(The list referred to was received in evidence and marked "Applicant's Exhibit No. 4, Docket 3967," and is filed with the transcript in possession of the Commission.)

By Mr. LOVETT:

Q. Mr. Arndt, are there any other programs available in addition to those you have listed here?—A. Yes; there is additional program material available, and I have prepared a list of that.

Q. Is this a list which you have prepared yourself of the additional program material available?—A. Yes, it is.

Q. You know it is a correct list?—A. It is correct.

Mr. LOVETT. I offer in evidence this list prepared by the witness as Applicant's Exhibit No. 5.

Mr. ROLLO. I have no objections.

The EXAMINER. Applicant's Exhibit No. 5 will be admitted in evidence.

(The list referred to was received in evidence and marked, "Applicant's Exhibit No. 5, Docket 3967," and is filed with the transcript in possession of the Commission.)

By Mr. LOVETT:

Q. Will you name some of those appearing on this list, Exhibit No. 5, which you consider especially important?—A. I will try to name them in the order of their importance.

Orchestras, Aces of Melody, Shullsburg, Wisconsin;

Bill Rawson, Platteville, Wisconsin;

Columbia College Military Band;

Columbia College Concert Band;

Wartburg Theological Seminary, what they call the matin service every morning, consisting of hymns, responsive chanting, scripture lesson and prayer; which would also include bi-monthly German vesper services, by reason of the fact that a certain percentage of the population in that area is still very much German;

Mrs. Janet Fritz, an accomplished violinist who has studied abroad;

61 Miss Edity Groff, a pianist, a graduate of one of the leading musical schools;

The Academy of the Visitation, of Dubuque;

O. A. Reynolds, Secretary of the Chamber of Commerce, on the activities of the Chamber;

The Dubuque Traffic Association under S. G. Creswick;

Almeda Stonebraker, music teacher and accomplished pianist, a graduate of one of the institutions in Dubuque;

John Kirchen, a very accomplished violinist. His residence is Cascade, but the majority of the time he is in Dubuque following the pursuit of his art.

There are numerous others here such as accordianist, violinist, and others which I will not go into.

Q. Have you contacted these individuals and know they are available for broadcasting purposes?—A. I have contacted the majority of them.

Q. Is the complete list of program material available in the Dubuque area?

Mr. ROLLO. I object to the question. As the result of his last answer, he is not qualified to answer the question.

The EXAMINER. He can only testify as to those he actually contacted, and you better ask him who they are otherwise I will sustain the objection to the question.

By Mr. LOVETT:

Q. You have contacted the ones you have mentioned?—A. That is right.

Q. Have you contacted others?—A. Yes.

Q. Possibly counsel prefers you to name the ones you have contacted in addition?—A. There is Mrs. Ada Hermonn, an accomplished pianist, who takes an active part in the various recitals in Dubuque: Ed Baker, a Xyllophonist.

Mr. ROLLO. Is the witness enumerating those he has contacted?

The EXAMINER. Yes, as I understand you are testifying only as to those you have contacted?

The WITNESS. That is correct. Carl Graber, recreational director. Having lived in Dubuque for twenty-one years, and by reason of acquaintance with the various musical institutions, I know there naturally would be consideably more program material available, and I expect to go into that in further detail later on.

62 By Mr. LOVETT:

Q. Will you state whether or not the proposed station will operate in conjunction with the Telegraph-Herald?—A. The proposed station will be operated as an entirely separate entity. There will be no combination rates, and the only reference to the Telegraph-Herald will be made in an occasional station announcement, for example "This is the Tele-graph-Herald Station."

There will be certain individuals on our staff who will put on news broadcasts, and their name and their connection with the paper will be mentioned in exchange for the program they produce for us.

The EXAMINER. That would include news commentaries and something like that?

The WITNESS. That is correct.

By Mr. LOVETT:

Q. Who will be in charge of the broadcast which will originate from your newspaper offices, where the material does originate from the newspaper offices?—A. That will be directly in charge of our managing editor, Mr. Harry Slechter, who has had ten years' experience in broadcasting news, and any other material that might originate under his supervision in his department, with a station at Tampa, Florida, WDAE.

Mr. ROLLO. I object to this testimony.

The EXAMINER. State your objection.

Mr. ROLLO. The witness is attempting to describe the qualifications of another man of the organization who will have control of program direction.

The EXAMINER. I think he can tell the man's qualifications. If he has been employed by some other concern in a certain capacity, I think it is competent to tell what his employment was.

What is the name of this employee?

The WITNESS. Mr. Slechter, our managing editor. He has management of the editorial department of our newspaper, and the programs such as news flashes and the territorial news, and news commentaries will be entirely under his supervision.

Mr. ROLLO. I submit any testimony from this witness as to the qualifications of the other man is clearly hearsay, and
63 I would like to ask one or two qualifying questions, if I may?

The EXAMINER. You may go ahead.

By Mr. ROLLO:

Q. When did this Mr. Slechter come to your organization?—A. Approximately two months ago.

Q. How long have you known him?—A. Since the time of his employment.

Mr. ROLLO. I submit on the basis of two months' acquaintance with this man, he cannot testify as to his qualifications except for the past two months.

The EXAMINER. Is there anything in the deposition as to his qualifications?

By Mr. LOVETT:

Q. Did you investigate his qualifications before he was employed by the Telegraph-Herald?—A. Yes; I did, and I have here letters which will show.

The EXAMINER. Is he here to testify?

The WITNESS. No; he is not.

Mr. LOVETT. I submit the witness is merely stating that this gentleman has had radio experience over a period of ten years, and that is perfectly competent for any one to state.

The EXAMINER. Do I understand that he had worked for WDAE for a period of time?

The WITNESS. Yes; and another station, WDSU, at New Orleans.

Mr. ROLLO. How can this witness know of his own knowledge that the man had worked there?

The EXAMINER. He could not except by what people had told him, and that would not be competent.

Mr. LOVETT. He would not know unless he went down to that particular locality before the man left that employment, which would be unreasonable to expect.

The EXAMINER. Were there not some depositions taken in this case?

The WITNESS. Correct.

The EXAMINER. Could you not have had this man testify and give a deposition at the time the other depositions were taken, as to his qualifications?

64 Mr. LOVETT. Yes: but I presume that would be the only thing he could testify to, the fact he had been employed in radio for ten years.

The EXAMINER. That testimony is not competent, it is clearly hearsay. You are a lawyer, Mr. Lovett, and a good lawyer, and you know very well that is purely hearsay testimony. The objection will be sustained.

By Mr. LOVETT:

Q. Will you state whether or not the same policy which has prevailed in the publication of the newspaper will prevail in the operation of the proposed station?

The EXAMINER. What do you mean by "policy"?

Mr. LOVETT. The executive policies, their attitude towards education, agriculture, religion, and so forth.

The EXAMINER. Go ahead.

By Mr. LOVETT:

Q. Will you answer that question?—A. Well, those particularly policies will be the same as they are applicable to the radio station.

Our columns of the paper have always been open for all agricultural, educational, and religious matters, and we have devoted considerable space to all of those departments, which I think the depositions will show, and of course, they speak for themselves.

Q. In matters concerning public questions and so forth, how will they be treated?—A. Well, the station will not be operated with that in view. We do not intend to direct any given policy as far as it applies to the listening public of the station.

Q. You do not intend to create or influence public opinion?—A. No; positively not. The station will be open, as I say, to everyone, civic, religious, educational, and agricultural in the same relation as our paper has been open to the publication of that particular news.

Q. You propose, as I take it, to broadcast both sides of all questions, and your news broadcasts will be of both sides of a particular situation involved?—A. Yes; positively both sides of every question.

Q. Do you plan to open the station to political broadcasts during political campaigns?

65 Mr. ROLLO. If the Examiner please, I may have missed it, but I do not recall any testimony as to what connection this gentleman would have with the radio station.

The EXAMINER. He has not stated definitely what his relation would be.

Mr. LOVETT. He stated he was a member of the board of directors, that he had been authorized to appear here, and he would be the one to carry out the policies determined by the board.

The EXAMINER. Is he going to be the director of it, or the station manager?

Mr. LOVETT. Merely in a supervisory capacity, I gathered from his testimony. I understand they will have a station manager.

The EXAMINER. Who will be the manager of your station?

The WITNESS. That has not been decided definitely. We have several applications on file of studio managers, and it is a question of ascertaining their competency in being able to manage our radio station.

The EXAMINER. I understand you are employed to see that the policies of the board of directors are carried out?

The WITNESS. That is correct.

The EXAMINER. That is your duty?

The WITNESS. That is correct.

The EXAMINER. You may go ahead to something else, Mr. Lovett.

Mr. LOVETT. I believe that is all of this witness, Mr. Examiner.

The EXAMINER. You may cross-examine.

Cross-examination by Mr. ROLLO:

Q. Mr. Arndt, you stated in your direct examination that you maintained a large reportorial staff in Dubuque for the Telegraph-Herald. Can you tell us how many reporters you have that cover Dubuque only?—A. For the city of Dubuque there are five reporters and one society editor and her assistant.

Q. So that you have a total of seven covering local news in Dubuque?—A. That is correct.

66 Q. You also stated, I believe, that Dubuque was quite a business and manufacturing center?—A. Yes.

Q. In enumerating the manufacturing places there, you did not mention Klauer Manufacturing Company. Is there such a company in Dubuque?—A. Yes; I overlooked the Klauer Manufacturing Company.

Q. In what business is that company engaged?—A. One of their principal industries is snow machinery.

Q. What is that?—A. The manufacture of snow-removal equipment, and culverts, road equipment, and the fabrication of certain other steel products.

Q. Would you say that that is one of the larger manufacturing industries of Dubuque?—A. Yes; it is.

Q. Does that company have any family relationship to the ownership of radio station WKBB, to your knowledge?—A. Yes.

Q. In fact, Mr. Klauer of radio station WKBB is the same Mr. Klauer of the Klauer Manufacturing Company?—A. That is my understanding.

Q. In the estimate you gave of the rural population of Clayton County you stated it was 100 per cent rural, then you proceeded to enumerate the population of the four small towns in that county. You included those towns as rural population in Clayton County, did you not?—A. Yes; by reason of the fact that in the small communities they are mostly retired farmers, and that happens to be the figure that the Census Bureau gave me.

Q. Why did you deduct the small towns of about the same size in other counties from the rural population? A. You mean of a thousand or more?

Q. Yes, sir.—A. Why did I deduct them?

Q. Why did you deduct them in most instances and not deduct them in Clayton County?—A. I enumerated, to my knowledge, four that were a thousand or over, and that was Elkader, the county seat, Strawberry Point, McGregor, and Guttenberg.

Q. And you included those as rural population, that is correct, is it not?—A. Yes; that is exactly what the Census Bureau's figures show.

Q. In Grant County, Wisconsin, you enumerated Cuba City, 1,157?—A. That is right.

67 Q. You did not include that as rural population, did you?—A. Not all of it. You understand, as I stated before, in these small community towns there is a certain percentage of the population in the town that are retired farmers, who have a definite interest in agricultural problems and are so regarded as rural population.

Q. Take Grant County, you stated there was a total population of 38,469, of which 89 percent was rural, where did you obtain that 89 percent figure?—A. I obtained that from the Bureau of Census in Washington.

Q. You tabulated his figures, did you?—A. I tabulated the percentages he gave me; yes.

Q. It is true, is it not, the small towns in Grant County that you mentioned such as Fennimore and Platteville, are mining rather than agricultural towns?—A. Not the principal industry. Some few mines might be in the vicinity of Benton, which is not so far Cuba City, but they have been at a standstill up until about maybe a year ago, I don't know exactly the date.

Q. How about Platteville, isn't that a mining town?—A. You are speaking of the rural area of Platteville?

Q. No; the city itself? Isn't it the center of a mining industry?—A. No; it could not be regarded as the center of a mining industry?

Q. Are there mines in and around Platteville?—A. There are, I think, two mines or three mines in the vicinity of that section. I would say in the southern quarter of Grant County.

Q. Coming to the advertising media available to the area you propose to serve by your station, you mentioned certain daily and weekly newspapers, but you did not mention any radio stations. Are radio stations advertising media in your opinion?—A. Station WKBB——

Q. (Interposing) Answer my question; a radio station is and advertising media, is it not?—A. Yes.

Q. What stations as advertising media, serve the territory you expect to cover?—A. I don't know of any that cover the territory we expect to cover.

Q. Does WKBB serve a portion of that area?—A. I am not an engineer, but I would say it serves Dubuque County.

68 Q. That is a portion of the terirtory you propose to serve?—A. That is one-sixth of the territory we propose to serve.

Q. Would you say that WMT serves any portion of the territory you propose to serve?—A. Yes.

Q. Do you know whether that is a commercially owned station?—A. Yes.

Q. It is an advertising medium?—A. Not in that particular area.

Q. But it serves a portion of the area you propose to serve, does it not? A. Yes.

The EXAMINER. I wish you would develop what portion of the area it would serve.

Mr. ROLLO. Mr. Examiner, I realize the witness is not an engineer, and I hesitate for that reason to ask such questions. That testimony, I believe, will be covered thoroughly by the engineering witnesses.

The EXAMINER. All right, proceed.

By Mr. ROLLO:

Q. Do you listen to WMT programs at all?—A. Occasionally.

Q. Do they broadcast agricultural programs?—A. Yes, sir.

Q. Are those programs directed to the Iowa farmer in particular?—A. Not in particular, but in some few instances it is possible. You understand, I do not sit at the radio and listen-in on WMT all of the time.

Q. But you have heard a number of agricultural programs over that station?—A. That is correct.

Q. Do you listen to WMAQ occasionally?—A. Yes.

Q. That serves the Dubuque area very well?—A. Fair.

Q. Do they broadcast any agricultural programs?—A. They have The Farm and Home Program.

Q. That is The Farm and Home Hour of the National Broadcasting Company?—A. That is right.

Q. It is a daily feature, is it not?—A. You are correct.

Q. What time does it come on at Dubuque, if you know?—A. I think it is around one p. m., I am not certain.

Mr. LOVETT. It is in the depositions that it is at eleven-thirty.

60 By Mr. ROLLO:

Q. Is it a full hour program?—A. No; it is not.

Q. How long a program is it?—A. I think it is thirty minutes.

Q. That is received in your area?—A. Fair; yes, sir.

Q. WHO is received in your territory?—A. I testified to that.

Q. Does that station broadcast any farm programs, to your knowledge?—A. Not to my knowledge, but I know they have such programs.

Q. How about WLS?—A. They have farm programs.

Q. Who owns WLS?—A. The Prairie Farmer, I believe.

The EXAMINER. Where is that located?

The WITNESS. In Chicago.

By Mr. ROLLO:

Q. You also mentioned WIBA as rendering some degree of service to Dubuque; does that station have agricultural programs?—A. What station is that?

Q. WIBA, Madison, Wisconsin.—A. Yes; they have agricultural programs.

Q. Who owns that station, do you know?—A. I couldn't tell you.

Q. It is privately owned, isn't it?—A. I couldn't tell you.

Q. Is there another station in Madison that renders service to your territory, WHA?—A. I couldn't tell you.

Q. Then, you have not heard that station?—A. No; I have not.

Q. Does WKBB render any agricultural programs that you know of?—A. Yes; but only of a general nature.

Q. Have you listened to them?—A. Yes. Once a week they have the Dubuque County broadcast, I think from eleven forty-five to twelve o'clock. That is on Mondays.

Q. Is it not true that they have a daily agricultural program at that same time?—A. Yes; they have, but not of any local nature.

Q. What do you mean by "only of a general nature"?—A. I think the word explains itself. It is more or less generalities, it is not designed specifically for the area we propose to serve, and the problems of this particular area.

70 Q. Of what do these programs consist, you say you have listened to them?—A. Aside from the program Mr. Carrigan puts on at Dubuque, they deal principally with farm problems in general.

Q. Are they the problems of the farmers surrounding Dubuque?—A. No; not entirely.

Q. What are these problems that they discuss, and what are the problems of the farmers in the Dubuque area?—A. I have in mind the recent grasshopper scourge, the white grub menace.

Q. Haven't you heard a number of broadcasts from WKBB on those two subjects, the grasshopper scourge and the white grub menace?—A. As it might pertain to Dubuque County.

Q. Then they have broadcasted information relative to these particular problems, have they not?—A. They might have.

Q. Do you have any other problems in mind?—A. Yes; problems of an educational nature. This area of approximately 40 or 50 miles, frequently depends upon certain spontaneous broadcasts, and by that I mean for instance, severe weather conditions.

Q. Does WKBB, to your knowledge, broadcast weather reports?—A. Yes; they do.

Q. Any other problems?—A. Yes; changes in curriculum, presenting consciousness to the mothers regarding the problems of school activities.

Q. We are referring principally, for the moment, to agricultural problems, and that would not fall within the agricultural problems, would it?—A. Not that particular statement, that would relate to education.

Q. Do you have any other agricultural problems in mind?—A. The talent that is available in these counties under the supervision of the agricultural agents in the respective counties, and in that connection I am thinking of the 4-H Clubs and auxiliary clubs, they have certain choruses, orchestras and instrumental selections.

Q. Have you heard such programs as those, the 4-H talent and the county agents' programs over WKBB?—A. I have heard the county agents on WKBB.

71 Q. Have you heard 4-H Club programs and discussions of their activities?—A. No, I have not.

Q. You do not listen to them all of the time?—A. I have stated I do not sit at the radio from seven o'clock until eleven every day.

Q. You did that on two days?—A. That is right.

Q. Is there a problem among the farmers around Dubuque in connection with eradication of the barberry?—A. In some localities.

Q. Have you heard that problem discussed over WKBB?—A. No, I have not.

Q. It could have been broadcast without your knowing it?—A. Possibly.

Q. In connection with your listening to WKBB, you stated that you listened September 2nd and September 6th?—A. Yes, sir.

Q. Did you listen any other days besides those days?—A. Yes, our radio is on intermittently during the day and night on Station WKBB. I am speaking of the radio in my home.

Q. Did you listen for the complete day on any other day besides September 2nd and 6th?—A. Without interruption?

Q. Yes.—A. No.

Q. You mentioned a specific item on the program of September 6th, an out-of-town orchestra for one hour.—A. No, I didn't state for one hour. You are speaking of September 2nd?

Q. September 2nd, that is correct.—A. For forty minutes, that was.

Q. What was that?—A. It was a forty-minute broadcast.

Q. What orchestra was it you had in mind?—A. Ernie Palmquist, I believe.

Q. Where is it located?—A. I don't know, but I know it is not in Dubuque.

Q. You don't know where it was playing?—A. It was playing at Melody Mill.

Q. Where is Melody Mill?—A. Melody Mill is better than two miles from Dubuque.

Q. Is that a dance pavilion?—A. It is.

Q. Do the Dubuque residents attend that place for dancing?—A. Naturally.

72 Q. As a matter of fact, it is a Dubuque dance hall, is it not?—A. Naturally. A lot of the out-of-town people would also gather at the Mill.

Q. The orchestra playing at Melody Mill is not an out-of-town orchestra, it is a part of the Dubuque activities, is it not?—A. I would not say so.

Q. Melody Mill is a part of Dubuque's entertainment line, is it not?—A. I would not say so.

Q. Melody Mill is a part of Dubuque's entertainment line, is it not?—A. It is out of the limits of Dubuque.

The EXAMINER. At this time we will take a recess until two o'clock.

(Whereupon at 12:15 o'clock a recess was taken until 2:00 o'clock p. m. of the same day.)

AFTERNOON SESSION

(The hearing was resumed at 2:00 p. m., pursuant to the taking of recess.)

The EXAMINER. You may proceed with your cross-examination, Mr. Rollo.

Whereupon WILLIAM J. ARNDT resumed the stand, and was examined and testified as follows:

Crossexamination by Mr. ROLLO:

Q. Mr. Arndt, would you classify the Telegraph-Herald as a daily nonsectarian newspaper?—A. Yes.

Q. Is it the only newspaper of that class in Dubuque?—A. The only daily newspaper in the area, you mean, or in the city?

Q. In the city of Dubuque.—A. Yes, it is.

Q. Has that been true since its organization in 1836, I believe you testified?—A. Of course, I was not living in 1836.

Q. You know the early history of the newspaper, though?—A. Yes, the early history of the newspaper would show they have always been tolerant in all matters pertaining to news.

Q. Have there been times when there was more than one daily newspaper in the city?—A. Yes.

Q. When was that?—A. Up until 1927, we had the Times-Journal.

73 Q. What became of the Times-Journal?—A. It was consolidated with the Telegraph-Herald.

Q. So that the Telegraph-Herald is today actually a merger of those two newspapers that formerly existed?—A. Yes.

Q. You stated on direct examination, I think, that Radio Station WKBB had never approached you with reference to obtaining program listings in your newspaper, if I understood you correctly?—A. That is right.

Q. Are you in such a position at the newspaper that you would know of any approaches that had been made by the station to the newspaper?—A. Yes, I would.

Q. So that you want your testimony to be that they never have approached the newspaper?—A. That is correct.

Q. With regard to your studios, what space have you provided?—A. The studios would be located, as I testified before, on the second floor of the Telegraph-Herald, a building which fronts Eighth Avenue. It is space that is not utilized for anything now.

Q. Do you propose to use the entire second floor?—A. No, we do not.

Q. How much of the space do you expect to use?

The EXAMINER. The square feet is what you have in mind there, I suppose?

The WITNESS. I can give you approximately the area.

By Mr. ROLLO:

Q. That is what I want.—A. It will be about 100 feet by approximately 125 feet.

Q. Just what are your plans, how many studios, and how many offices and so forth, do you propose to make out of that space?—A. Two studios and ample offices, depending on the requirements as to the number of offices.

Q. You do not know how many offices you will have, at the present time?—A. No.

Q. What is that space used for now?—A. It is vacant at the present time and always has been since the construction of the building.

The EXAMINER. What size building have you?

The WITNESS. The building takes in a full block from West Avenue to Robinson Street and from Bluff Street to the alley on West Eighth Avenue.

The EXAMINER. A two-story building?

74 The WITNESS. That is correct. It is constructed in height really as a three-story building, but there is a mezzanine floor over the general offices and it is a two-story building from that standpoint.

By Mr. ROLLO:

Q. Will you itemize for me the construction cost you estimated at $25,000 as a whole?—A. I will give you my estimates exactly if you will let me refer to my records, if you are speaking of construction.

Q. Construction of the station which you estimated at a total of $25,000?—A. That is correct. The items are: transmitter, $10,000; microphones, $500; remote equipment, four amplifiers and microphones, $800; short wave equipment, $1,000; antenna system, $3,000; transmitter house, $2,000; studios and office construction, $5,000; furnishings, $2,000; turn tables, $500; installation charges for circuits, two type A circuits from the studio to the transmitter, $200; four connections, $40; three drop connections, $22.50; all making a total of $25,062.50.

Q. As to the transmitter, $10,000, what type of transmitter do you propose to install?—A. A Collins Radio Company type 20-A.

Q. Have you made inquiry as to the actual cost of that transmitter?—A. Yes.

Q. And $10,000 is the price quoted you?—A. That is correct.

Q. As to your antenna, $3,000, what type of antenna do you propose to install?—A. I am sorry I am not an engineer, but Mr. Barron will testify as to the type of antenna system.

Q. Where did you obtain this estimate of $3,000?—A. Of my own knowledge I know that an antenna system is priced in that quota of $3,000. That is with 185-foot radiator.

Q. Do you propose to install a 185-foot radiator?—A. That is right.

Q. Have you made any provision for the cost of the installation of the ground system?—A. I think that Mr. Barron had better testify to that. I am not an engineer, you understand.

75 Q. You testified that $25,000 was your estimate of the cost of the entire station?—A. That is right, it is an estimate, you understand.

Q. Have you made any estimate of the cost of the installation of the ground system?—A. I think that Mr. Barron will testify to that.

Q. Did Mr. Barron prepare this estimate or did you prepare it?—A. I prepared it. As far as the cost of the antenna system was approximated as $3,000 for me, which I included in my estimate.

Q. Did that $3,000 also include the cost of the ground system?—A. Yes.

Q. Do you propose to lease the land on which you will build your transmitter, or are you going to purchase it?—A. The details have not been worked out as yet.

Q. If it is to be purchased there will be the additional item of land in this estimated cost, will there not?—A. Yes, if it is a purchase.

Mr. LOVETT. The witness indicated that tentative leasing arrangements had been made which would indicate it would be a rental charge instead of a construction charge.

By Mr. ROLLO:

Q. I am not quite clear on the equipment you have here for remotes. You have one $800 item and installation charge of $200.—A. That is right.

Q. There are no other items in there with regard to remote control equipment?—A. The $800 for the remote control equipment and the installation charges, yes.

Q. Just what equipment will that $800 cover?—A. Four amplifiers and microphones.

Q. What will the $200 item cover?—A. The two class A circuits from the transmitter to our studios. You realize the transmitter will be located about three miles outside of the city of Dubuque.

Q. That is to take care of the line from the transmitter to the studio?—A. That is right, the line charges.

Q. You propose to install a number of remote control lines to various parts of the city, do you?—A. We propose to install permanent remotes in the University at Dubuque.

Q. Just a minute, you have made no provision for that
76 installation, or is that in the item you have given me?—A. Yes, that is included in the four connections and the three drop charges.

Incidentally, that data was quoted to me by the local telephone company, and I have a letter here to that effect, if you desire it.

Q. Never mind about that.—A. I am just qualifying the costs as you understand.

Q. What provision have you made then, in your itemized statement for the remote control line to the University of Dubuque?—A. The cost of the remote will be based on the price quoted me of 75 cents per quarter mile per month, based upon the actual distance of the telephone line from our studio to the source of the program.

Q. That price of 75 cents per quarter mile is for what is known as a single pair, that is one way broadcast?—A. That is for one line.

Q. At the University of Dubuque do you propose to install two lines so that you can talk back to the remote point?—A. For proper monitoring and so on.

Q. That will cost double the figure you quoted of 75 cents?—A. The exact distance could not be determined at the moment.

Q. You did not understand my question, it will cost you $1.50 for the two lines?—A. Yes, that is correct.

Q. Can you estimate the distance from the studio to the University of Dubuque?—A. I would say it may be a quarter of a mile, just as a guess.

Q. What did you expect your monthly rental for that one line. $1.50 a month?—A. No, it will be considerably more than $1.50 a month.

Q. How much will it be?—A. You are speaking just of the line charges?

Q. That is correct.—A. Excluding the microphones, that is all, just the line charges, it will be between $7.50 and $10 a month.

Q. Per pair, or for the two ways?—A. Possibly per pair, it depends, of course, on the distance of the telephone lines from our studio to the remote source.

Q. So that a fair estimate of that particular remote control would be the rental per month of about $15 for the two way circuit?—A. I think that would be a fair estimate.

77 Q. What other remote controls do you propose to establish?—A. The remote control in the Federal Building

which is located two blocks from our studio, and which will be in the Weather Bureau office.

Q. What would be your estimate of the monthly rental of that particular line?—A. The minimum charge is, I think, $1.50.

Q. If I refresh your recollection by stating the minimum charge is $2.50 at Dubuque, per pair, would that be correct?—A. $2.50 per pair, yes. I think I will have to refresh my memory on that.

Mr. LOVETT. Mr. Examiner, I think we are going into needless detail here. The applicants have indicated that they have plenty of resources and are prepared to handle the necessary amount of expense that may be incurred.

The EXAMINER. What is the object of these details, Mr. Rollo?

Mr. ROLLO. If the Examiner please, I want to show through these questions that they have omitted a substantial item there in their proposed plan in arriving at the estimated cost, and I believe I can show it is a substantial amount.

The EXAMINER. You would not regard that $2.50 as a substantial amount?

Mr. ROLLO. Not for that item alone, but when we get through, I think it will be a substantial amount.

The WITNESS. $2.50 a month is the minimum charge.

By Mr. ROLLO:

Q. That minimum charge is for just one way, per pair, which means only one direction?—A. At 75 cents per quarter mile the distance to the Federal Building is only two blocks, so the minimum charge in that event would be $2.50 for the two circuits.

Q. What other remote controls do you propose?—A. The Columbia College.

Q. What estimate would you give on that?—A. A monthly of approximately $10 to $15 per month.

Q. What other remotes?—A. That is all. I believe I testified as to those three.

Q. Were you present at the taking of depositions in Dubuque?—A. Yes, I was present.

78 Q. You heard the testimony given at that time?—A. I did.

Q. Do you recall the testimony of the representative of St. Lukes Church to the effect that a remote control had been promised them in order to broadcast the chimes of that church?—A. I do not remember whether I was present at that particular deposition or not.

Q. If that testimony is shown in the deposition, what would you estimate the cost of a remote control to St. Lukes Church would be?—A. St. Lukes Church is a distance of, I believe, only eight blocks from our studio.

Q. So that the minimum charge would apply there?—A. I think it would. It is about 600 feet to a block in Dubuque, and you can figure it out.

Q. That would be $2.50 for that line, then?—A. I think so, yes.

Q. Do you recall the testimony of the representative of the Immaculate Conception College to the effect that a remote control line had been promised to that college?—A. I don't know of any such promise having been made.

Q. If such testimony is contained in the deposition, what would you estimate the cost of a remote control line to that organization?

Mr. LOVETT. If the Examiner please, the witness has indicated he would have four permanent remotes, and the depositions speak for themselves, but I was there at the taking of the depositions, and I think an examination of them will disclose these remotes being mentioned by Mr. Rollo were for occasional broadcasting, and not as a permanent proposition.

The EXAMINER. He can testify whether it is a permanent or a temporary affair, and may be cross-examined on the basis of the examination on direct, but of course he would not necessarily go into the detail of each of these witnesses. As a basis, however, for cross-examination, he can refer to the depositions.

The objection will be overruled.

By Mr. ROLLO:

Q. What would you estimate to be the cost of a remote control to the Immaculate Conception College?—A. We do not contemplate a permanent remote there.

79 Q. If the testimony in the depositions is to the effect that a remote control line is to be installed, that is erroneous and you wish that to be changed, do you?—A. The remote would be installed whenever they wished it.

Q. What is the installation charge for a remote control line?—A. You mean for what?

Q. For one-time use.—A. Speaking of the Immaculate Conception College?

Q. Connecting up with the college for one time use, what would the telephone company charge you for the installation of that?—A. It would vary between $30 and $50 for a one-time broadcast.

Q. If your program plans showed you were going to broadcast at least once a week from that college, would you for that have a permanent line installed, or just installed once each week?—A. If sufficient program material could be developed at that source, then we would be interested in possibly installing a permanent remote; but in all probabilities that occasion would not arise.

Q. Do you recall the testimony of the representative from the Wartburg Theological Seminary to the effect that he had a very fine organ, and that the organ would be broadcast on a regular basis?—A. Not as a permanent remote.

Q. You do not propose to install a remote line in there frequently at a cost of $75?—A. Occasionally.

Q. Do you recall the testimony of the Grant County Agricultural Agent?—A. I was in on a good portion of that; yes.

Q. His county seat is Lancaster?—A. That is right.

Q. How far is that, approximately, from Dubuque?—A. Do you mean air miles or road miles?

Q. For the purpose of installing remote control lines it would be road miles, I presume.—A. Thirty-two to thirty-five miles.

Q. Do you know what the rental charge of a remote control line from Dubuque to Lancaster would be, a permanent remote line?—A. We do not propose to install a permanent remote to Lancaster.

Q. Do you know what the installation charge would be for one-time use?—A. Yes; for one hour or fraction thereof, $42.50 per occasion, and $4.13 for each additional hour after the first hour.

80 Q. What class of line is that?—A. Generally Class "D." Iowa has no "A," "B," or "C" lines available for broadcast purposes.

Q. We are speaking of Wisconsin now.—A. I think the same rule would apply to that section of Wisconsin.

Q. Do you believe that a Class "D" line would be satisfactory for broadcast purposes?—A. Yes; I do.

Q. For music as well as for voice?—A. Yes.

Q. That is your opinion?—A. I know that it is.

Q. You do propose to install remote control lines on occasions to Lancaster, Grant County, Wisconsin, do you?—A. Yes; occasionally.

Q. Do you recall the representative of the county schools of that county testifying at the taking of your depositions?—A. Some of it; yes.

Q. If I recall correctly that testimony, it was to the effect that a part of the programs originating in the county seat or at the various schools throughout the county, were to be broadcast by your proposed station?—A. Occasionally broadcasts such as his commencement exercises for the entire county, there would be a definite need for that type of broadcast, and we would then run our line out there to broadcast that particular program at the source.

Q. Rather than take up any further time on all of these other counties, that was generally true also of the county agricultural

agents and the county superintendent of Jackson County, Iowa, Clayton County, Iowa, Delaware County, Iowa, and Jo Daviess, Illinois?—A. No; that is not entirely correct. The agricultural programs designed specifically for these six counties, including Dubuque County, will originate in the Federal Building. The county agents will make the trip from their respective counties to Dubuque to put on these weekly broadcasts in Dubuque, but occasional remotes will be used for something of special interest.

I have in mind, for instance, the corn-husking contests which is quite a thing in Iowa, the Dairy Congress held within the county, or a particular draft-horse show. We had one of those in Platteville, Wisconsin, not so long ago. In cases of that nature, we would be interested in running a line out to the source of the program.

81 Q. Do you know what the installation costs are going to be for each of the other counties, you have given Grant County already?—A. That can be ascertained by my previous testimony that a charge of $42.50 per hour applied, and $4.13 for each additional hour on a mileage basis of 30 to 35 miles. The other remotes, of course, would be either less or in addition to the charges below 30 miles or up to 50 miles.

Q. There would be quite a number of such events in connection with the agricultural agents' activities, which would require remote broadcasts, would there not?—A. No.

Q. Such events as are described in the depositions are the type you propose to broadcast by remote control?—A. Yes; the corn husking contests occur once a year; your commencement exercises, as you know, occur once a year; these draft-horse shows, at the very most, twice a year; and the county fairs once a year.

Q. With reference to the county-school broadcasts covered in the depositions, is it your proposal to transport the various talent such as children's bands, glee clubs, choruses, and so forth, from the different schools into Dubuque, or do you propose to install remote lines for that purpose?—A. No; the small groups of talent produced by the county school system, they will come to Dubuque, but where we have a large group involving possibly 50 and a 100 persons, we would not expect them to come to Dubuque to broadcast; we would send a remote line out there.

Q. How far is it to the county seat of Jackson County, from Dubuque?—A. Thirty-three miles exactly, I think.

Q. How far is it to Elkader, the county seat of Clayton County?—A. Sixty-one or sixty-two miles.

Q. How far is it to Manchester, the county seat of Delaware County?—A. Approximately 42 miles.

Mr. LOVETT. Is this air line or road?

The WITNESS. I think he is speaking of road distances, that is what I am giving.

By Mr. ROLLO:

Q. What is the county seat of Jo Daviess County?—A. Galena.

82 Q. How far is that from Dubuque?—A. Approximately 16 miles.

Q. What rates do you propose to charge over the proposed station?—A. The rates have not been determined. However, we expect to base our rates on the sale of approximately 25 to 30 percent of the time.

Q. Do you know whether or not WIBA at Madison, Wisconsin, carries programs such as these remote programs you have been describing, the horse show and that sort of thing?—A. No, I do not.

Q. They could broadcast them without your knowledge, could they not? I mean, you are not a regular listener to the station?—A. No, I am not. They could broadcast them without my knowledge.

Q. In connection with your personnel for the proposed station, you except to maintain a separate sales organization from the newspaper?—A. Yes.

Q. They will be new employees, entirely?—A. We naturally will have to employ a sales staff qualified to sell radio advertising, which is distinctly different from newspaper solicitation.

Q. With reference to the monthly operating costs of the station, will you give me an itemized list of those, as you have totaled it up at $2,000 per month?—A. You want me to give the estimated salaries?

Q. The operating costs total $2,000, and the salary item would be just one item.—A. The items are, studio manager, $200; chief engineer, $150; assistant chief engineer, $125; three operators, $300; that is $100 apiece per month; program director, $175; chief announcer, $150; two assistant announcers, $100 each, making $200; one stenographer, $65; power and light, $100; transmitter line, $50; miscellaneous line charges per month, $25; transcription service, $100; repairs, $100; news service, $50; miscellaneous, $50.

Q. That totals approximately $2,000?—A. Yes.

Q. Have you made any investigation into what it is going to cost for music and copyright fees?—A. The annual charge of, I think it is called the Artists-Composers, is either $500 or $1,000 a year.

Q. You have not included that item in this list, but that will have to be added on to your monthly operating costs?—A.

83 If such a charge is necessary at this time, that would have to be prorated.

Q. You expect to play copyright music over your station, do you not?—A. Yes, indeed.

Q. I note you have no depreciation item here; how do you expect to take care of that, will that be added on to the monthly cost?—A. I think the monthly repairs would cover that. $100 is added for that item.

Q. $100 a month is all of the depreciation you expect to write off?—A. Yes.

Q. In addition to the repairs that will have to be made from time to time?—A. No; that includes all of it.

Q. What talent costs have you provided for?—A. About $100 a month.

Q. Is that the transcription service, you mean?—A. No; that is live talent.

Q. Where do you find your live talent item in what you gave me?—A. If you would total that, I believe you will find that including the $100 for talent, the amount is closer to the $2,000 that I indicated.

Q. In other words, the total is slightly less than $2,000, so that you could still add $100 a month for the talent and still come within the $2,000?—A. You have the figures there and you can calculate that.

Mr. LOVETT. Mr. Examiner, the witness just testified it was the estimated operating expense, and there is nothing binding in that, and he stated they proposed to spend what is necessary for the operation of the station.

By Mr. ROLLO:

Q. You have $100 for transcriptions; what transcription service do you have in mind?—A. Thesaurus, a subsidiary of the NBC.

Q. What is the charge per month for that service?—A. $100 a month.

Q. You do not expect to take any other transcription service?—A. Not at the moment.

Q. $50 for news, what does that contemplate?—A. The franchise rights to broadcast the United Press news in addition to the cost; of course, of newspaper publication.

84 Q. If I understand it correctly, the newspaper has the AP franchise?—A. I am speaking of the UP, the United Press, there will be an additional charge of that, in that neighborhood.

Q. In order to permit your broadcasting station to broadcast the news?—A. Yes; the UP news.

Q. So that you will have only the UP plus your local reporters, coverage?—A. For the present, if that is adequate.

Q. Do you have an exclusive franchise on United Press at the newspaper?

Mr. LOVETT. I object to the materiality of that, Mr. Examiner.

The WITNESS: You mean exclusive?

The EXAMINER. The objection will be overruled. You may answer the question.

The WITNESS. We have a United Press franchise.

By Mr. ROLLO:

Q. Is it such that it is exclusive for you in your territory?—A. Only in so far as it relates to the news coverage in the city of Dubuque only, of which maybe East Dubuque might be regarded as within the area, but I would have to look into the records to ascertain that.

Q. What other service does the newspaper have?—A. The Associated Press.

Q. That is an exclusive franchise, is it not?—A. Yes. You understand that is a sort of a reciprocal service, every newspaper is a member of it, and the service is produced by all of the newspapers that are members of the Association; in other words, it is an association of daily newspapers and international news service.

Q. Of those three, you only propose to use the United Press news service over the station?—A. Yes; at the moment.

Q. In your testimony on the assets and liabilities of the Telegraph-Herald, you stated the assets were in excess of a million dollars. I do not want to go into the details, but do you recall what valuation you placed on the news franchise and the newspaper circulation?—A. Included in this is merely a certain amount to take care of our circulation structure.

85 Q. What is that amount?

The EXAMINER. Does that include goodwill?

The WITNESS. That includes goodwill and various services, subscriber personnel, and so forth. The circulation structure is included at $233,984.26.

By Mr. ROLLO:

Q. That is circulation and goodwill, that is the same thing we call "goodwill" in other businesses?—A. That does not include certain patents and goodwill. There is another item set forth here of $41,365.46 which we classify as patents and good will.

Q. In addition to that you have a valuation in your assets set on your AP franchise?—A. No.

Q. Do you have one on your UP franchise?—A. No.

Q. Or on your INS?—A. No, sir.

The EXAMINER. Has that financial set-up been offered in evidence?

Mr. ROLLO. No sir; it has not.

Mr. LOVETT. He merely testified to the financial set-up.

The WITNESS. I will be glad to offer it in evidence if you desire.

By Mr. ROLLO:

Q. Are the newspaper franchises included in the item of patents and good will?—A. No.

Q. You place no value on your news franchises in your asset column?—A. There is nothing to include.

Q. Is it not correct that you value that UP franchise at $30,000?—A. No, it is not.

Q. Can you tell me what anyone would have to pay to obtain the right to use the United Press service in Dubuque?—A. I don't know.

Q. Do you know what would have to be paid by the Telegraph-Herald to use the United Press service in Dubuque?—A. I don't know.

Q. Referring to your Exhibit 3, which is the list of retail and wholesale outlets in Dubuque, Iowa, from what source did you get that information?—A. The 1933 Bureau of Census, 1933 market survey of the Bureau of Census.

Q. Is that the Federal business census of 1933 you are referring to?—A. Yes.

86 Q. Do you consider grocery stores as prospective radio advertising clients?—A. It largely depends upon their importance in the community.

Q. Do you consider the small grocery stores on the corners throughout the community prospective radio advertisers?—A. It depends upon the volume of business the store produces.

Q. What volume of business would you set as the deadline between those that would advertise and those that would not?—A. That is up to the man that operates or manages the store, or owns the store.

Q. What, in your opinion, would be the line of demarcation between those you would approach as prospective advertisers, and those you would not?—A. I don't know exactly.

Q. As a matter of fact, you do not think grocery stores would advertise over the radio, do you?—A. Yes, they would. I told you before it depends upon the volume of business they do.

Q. What volume would be necessary before they would advertise over the radio?—A. It depends on how much they want to spend over the radio. You would have to amplify your statement.

Q. In your mind you have a line of demarcation between those stores that would advertise and those that would not. You have testified to that effect?—A. All stores might be interesed in advertising.

Q. You would expect all grocery stores to be interested in advertising?—A. Oh, no.

Q. Where is the line of demarcation, in your mind?—A. Let me ask you this, how much is this party going to spend on radio broadcasting?

Q. You have from time to time grocery stores listed on this exhibit, and I want to know what percentage of those stores would be prospective advertisers?—A. Possibly 50.

Q. You have 38 meat markets listed on your exhibit, and do you consider meat markets as potential radio advertisers?—A. Some of them are.

Q. About what percentage of this 38?—A. Possibly eight to ten.

87 Q. You have the five- and ten-cent stores, five of them, listed in your exhibit; would you consider they would advertise by radio?—A, Yes.

Q. You think they are prospective radio advertisers?—A. Yes.

Q. You have 42 filling stations; do you expect these filling stations to advertise?—A. Yes, some of them would.

Q. What would be the classification there between those that would and those that would not advertise?—A. The more outstanding filling stations that have the one-stop service with the various accessories and so forth, the larger filling stations.

Q. How many of these 42 would fall in that category?—A. Possibly five or ten, something like that.

Q. You have 30 restaurants, cafeterias, lunchrooms, and other eating places, would you consider them prospective advertisers by radio?—A. Yes sir, a small percentage, yes.

Q. How many of the thirty?—A. About five.

Q. You have 18 cigar stands; how many of those would you expect to advertise by radio?—A. Not very many, with the exception of the distributor.

Q. How many cigar and tobacco distributors do you have in Dubuque?—A. One, I think, at the present time.

Q. Of these 27 drug stores, how many of those do you think would advertise?—A. A good guess would be maybe ten to fifteen.

Q. They are just the ordinary drug stores found in every town, are they not, that is, the smaller drug stores, some chain drug stores, and so forth?—A. That is the general practice.

Q. What have you included in this miscellaneous fifty-five? A. Those that do not fall within that particular classification.

Q. You do not know whether they would be advertisers or not, do you?—A. That would have to be developed later.

Q. Referring to your 350 advertising accounts, I think you testified that your advertising files in the newspaper showed 350 accounts, of which 231 were active.—A. That is right.

Q. Is it you opinion that they all fall within the prospective radio class?—A. I don't know, I have not contacted all of these 231.

88 Q. You have contracted 32, have you not, or is it 60?—A. I have contacted 60.

Q. Without enumerating all of those 60, can you tell us what types of establishments they represent?—A. Well, there are style shops, loan companies, general stores, meat markets.

Q. You have a list of those available, have you?—A. Yes.

Q. May I see that please?

(A paper is handed to counsel.)

Q. This J. F. Stampfer Company, do you know whether that institution advertised or is advertising over WKBB this year?—A. I do not know.

Q. Mullen Brothers, do you know whether they have advertised this year over WKBB?—A. I do not think so.

Q. In these contacts you have made, have they all stated they would advertise by your radio?—A. Yes, contingent upon the rate and the type of program we would produce.

Q. Did you discuss the rates with them?—A. The rates have not been determined.

Q. But without exception they all agreed to broadcast if the rates were agreeable and the programs were of the right character?—A. Yes; of these particular 60. I contacted some more in addition to those.

Q. And those you contacted in addition to these 60 were not agreeable to advertising over your station?—A. The information they gave me was of such a nature that I do not think I should divulge it.

Q. About how many such advertisers were there?—A. I do not know the exact amount.

Q. Referring to your Exhibit No. 4, the tentative program schedule, on the first page of Sunday from 9 to 9:05 you propose a church calendar. In that connection how many churches are there in Dubuque?—A. I do not know the exact number, but by reason of the fact that Dubuque is a highly religious center, we must have at least from ten to fifteen—you are speaking of denominations or the total?

Q. Would 37 sound correct to you?—A. That would be a trifle high. It might be between 25 and that figure.

Q. And you propose then within a five-minute period on Sunday morning to announce the services, the pastors, the
89 subject matters and the special activities of those 25 churches?—A. It will merely be a brief resume of the time the church service begins.

Q. In what way does that particular program differ from the church announcements made by WKBB?—A. I do not know, I have not made an exact transcript of the church announcements of WKBB. other than I do know they make certain church announcements.

Q. They do make church announcements, do they?—A. In the half period from nine to nine-thirty. We follow that five minutes broadcast from 9:25 to 9:30 with the "Churches of Dubuque" which will cover any necessary announcements.

Q. How would that service differ from the church service broadcast over WKBB on Sunday morning?—A. In so far as we would be interested in running a remote to one of the outstanding Protestant churches and one of the Catholic churches, possibly.

Q. You are familiar with the Sunday morning church service broadcast by WKBB, are you not?—A. I have heard that.

Q. Do you know whether or not that is produced by the Ministerial Association of your city?—A. Yes.

Q. So that it may be necessary for you to subscribe to additiona transcription services?—A. I can't say as to that.

Q. What do you mean by the "Safety Flash" program on Sunday morning at 8:00 to 8:05?—A. That is a program that will originate in our studios, put on by the local sheriff and police offices, a timely broadcast warning people to guard against traffic accidents; in other words, it a safety feature.

Q. That would be about the same as the regular feature on WKBB consisting of talks by the City Manager, Chief of Police, President of the Safety Council, and so forth.—A. I don't know of any such broadcast.

Q. If such a broadcast is carried by WKBB, it is the same thing you proposed here.—A. I don't know.

Q. How many news periods per day do you propose, three?—A. There is a news flash, one——

Q. (Interrupting.) One at 9:00 to 9:15; is that right?—A. Yes, and the local market review would come under that category.

90 Q. Let us limit it to the news reports, you have one from 9:00 to 9:15; is that correct?—A. That is correct.

Q. When does WKBB broadcast its morning news report, do you know?—A. I don't remember, but it is in the morning.

Q. Do you mean Wednesday, September 2?—A. It is Thursday, September 2, I think.

Q. You have it Wednesday, September 2.—A. Well, September 2 is the day anyway.

Q. Is it true that they broadcast it on Wednesday, at 9:15?—A. Yes.

Q. You have another one from 12:00 to 12:15?—A. Our broadcast from 9:00 to 9:15 will differ in certain respects from theirs.

Q. Well, it is a news broadcast.—A. It is a news broadcast of timely news.

Q. WKBB broadcasts news reports beginning at 12:15 daily, does it not?—A. I don't know, I would have to be referred to the record on that particular day.

Q. You have another news report at 5:45 to 6:00 o'clock that is right, is it not?—A. The period of 2:45 to 3:00 o'clock as I have designated news commentary, that is all timely news, a resume of the news developed up to that period.

Q. That will consist of commentaries on the news current, actual news reports, would it not?—A. It will include both news reports and comments.

Q. Then you have one other one at 5:45 to 6:00 o'clock?—A. That is right.

Q. What is this Mother Goose program at 9:30?—A. That is a special program designed for the preschool-age children.

Q. That is a Thesaurus service, is it?—A. No; that would be developed by our mothers' clubs in Dubuque.

Q. You have a transcription on the program?—A. The introduction of music would be a slight little selection of some music infants are interested in, or those of a preschool age, and then the talk as to the problems of the preschool-age child will be put on by the mothers' club of Dubuque.

Q. I notice you have not a farm program on Monday, and you have that proposed to run five days a week, is that correct?—A. No, there is a farm program on Monday.

91 Q. What time?—A. From 7 a. m. until 6 p. m. we have——

Q. You misunderstood me. You have on Tuesday and the other week days, for example, a program at 12:30, the Delaware County Farm program, and on Wednesday from your previous testimony you propose to broadcast such a program as a daily feature, to be rotated each day in the week among the various counties. You do not propose that program on Monday, is that correct?—A. If you will refer to your copy of the program list, you will see at 12:30 to 1:00 o'clock the Dubuque County farm program.

Q. I beg your pardon, it is not on the copy of the exhibit I have, and that should be corrected.—A. That will be corrected.

Q. I notice you have quite a regular feature of Luke Ritz and his orchestra, have you ever heard that orchestra?—A. Yes; I have.

Q. Where do they play?—A. They play at various dances in Dubuque, and what we call the Dubuque Danceland.

Q. Is that orchestra in your opinion of sufficient caliber for radio broadcasting?—A. Yes.

Q. Referring to your list of additional talent, Exhibit No. 5, do you know whether or not any of the organizations or individuals listed on that exhibit are broadcast by WKBB?—A. Not to my knowledge.

Q. With reference to the policies to be adopted by the station, if I understood you correctly on your direct testimony, the station will be conducted along the same general lines as the newspaper, is that correct?—A. Yes; insofar as they are applicable to the station.

Q. I take it your newspaper is catering to the interest of the residents of your community, that is, supplying them with complete reports of local news?—A. In the public need they are.

Q. Will that same policy be followed over the radio station, giving complete coverage of local events?—A. Yes.

Q. Your newspaper did not carry any story on the arrival of WKBB at Dubuque when it first moved to Dubuque in 1934 or 1933, did it?—A. No; we did not.

Q. Is that not a news item of interest to the residents of Dubuque, particularly?—A. The question of the propriety of news is left entirely within the judgment and discretion of our managing editor.

92 Q. If your present application should be granted, would you publicize the opening of your station in your newspaper?—A. Yes.

Q. That would be of news value to the residents of Dubuque, would it not, in your opinion?—A. Yes; Dubuque and the entire area.

Q. Does it not also follow that the advent of WKBB was just as much news value to the area as would be that of your station?—A. No; because it does not serve the same area.

Q. Does WKBB serve Dubuque and the surrounding area?—A. It serves Dubuque County.

Q. What would be the advertising policies over the proposed station?—A. Just what do you mean?

Q. Will you adopt the same advertising policies in the station as you do in your newspaper?—A. The rate has not been decided yet.

Q. I said nothing about rates. I said will you adopt the same policies as to the type of advertising that you accept, as you do in the newspapers?—A. Yes; there are different ethical standards in advertising.

Q. I now show you a newspaper and ask you if that is a copy of the Telegraph-Herald of Friday, August 9, 1935?—A. It is.

Q. I call your attention to the ad appearing on page 3 in the lower left-hand corner, what type of advertising is that?—A. Seagram's Soft Still Gin.

Q. Does the ad quote the price of the product?—A. Yes.

Q. While we are looking at the newspaper, I call your attention to page 7, the last column on the right-hand side, and ask you to state if that is your radio department?—A. What do you mean, radio department?

Q. Is that all of the radio department of the newspaper, is that all of the radio publicity given?—A. This is a radio program published by us.

Q. That includes all of the radio programs you carry in the paper?—A. That is correct.

Q. Does that program include listings of WKBB?—A. No; it does not.

The Examiner. Do you publish the program of this station, WKBB?

The Witness. Yes, we do, Mr. Examiner, frequently in
93 connection with the advertisers who want to direct attention to a certain program. The record will show that such advertisements have frequently appeared in the paper.

By Mr. Rollo.

Q. Are those ads which mention WKBB paid for by the advertisers?—A. Yes.

Q. In other words, it is just the display advertising of a particular merchant in the town that happens to be advertising over the radio, you accept his display advertising, and that has the wording in it there is a program on WKBB at this hour; is that the type of advertising you are referring to?—A. Yes.

Q. The last newspaper I showed you was the issue of August 9, 1935, and I I now show you an issue of the newspaper dated May 20, 1936, and ask you if that is a copy of your newspaper?—A. It is.

Q. I call your attention to an ad appearing in the last column of page 2 at the top of the column, will you read that ad for us?—A. (Reading.) "Bonnie Briar".

Q. What else does it say?—A. (Reading.) "Scotch type blended whiskey."

Q. Just read the whole ad.—A. It says——

Mr. BERRY. (Interrupting.) Mr. Examiner, I am going to object to taking extracts of those advertisements and reading them. I do not object to the newspapers being marked and the witness identifying the advertisements and the newspapers being put in evidence, but taking a certain newspaper and picking out an advertisement of one brand of whiskey at $1.15 a pint does not necessarily reflect the policy of a big newspaper advertising the liquor. As your Honor knows advertising of liquor is now legitimate advertising, and just to select one of those items, I do not think is sufficient.

I do not object to introducing all of the newspapers if he wants to do that, and if he is going to read an advertisement here and there, then I am going to call for the whole newspaper to be introduced in evidence.

Mr. LOHNES. I am going to make that request anyway, Mr. Examiner.

The EXAMINER. I think if you want to get those into the record, Mr. Rollo, you had better introduce them, then you can identify what page the advertisements appear on.

94 Mr. ROLLO. Unfortunately, I do not have a duplicate copy.

Mr. BERRY. If the publisher cannot furnish a duplicate copy, we will waive that requirement.

The EXAMINER. I assume this witness, who is a director of the company, will supply additional copies to make them duplicates. I cannot see why just now the mere advertisement of Seagram's or some other brand of liquor is improper.

Mr. ROLLO. It is simply for this reason, it so happens the state of Iowa has a law prohibiting advertising of liquor in any form, and I propose to show that, and that is the purpose of my showing him this type of advertising.

In case the advertising of whiskey in and of itself may not be against the public interest, yet it is contrary to the law in the state of Iowa, and I think reflects very forcibly against the policy of this newspaper now asking for a radio station, and this witness has testified he would follow the same policy in connection with his radio station.

Mr. LOVETT. I would object unless it is shown he intended to advertise liquor over the proposed station.

The EXAMINER. You can introduce it in evidence. You necessarily would have to introduce the papers anyway if you were going to make that a point, and I am going to ask the witness to supply this Commission duplicates of the papers you offer in evidence.

The WITNESS. I will be very glad to do that if they will give me the dates.

Mr. ROLLO. For the purpose of the record I will read off the dates and the particular page numbers I want to call attention to.

Mr. BERRY. There is no objection by us to counsel calling attention to the particular advertisement he has in mind, I am not objecting to his pointing out the advertisment, but the point I made was to select from a big newspaper just one isolated advertisement that might not necessarily show the attitude of the paper.

The EXAMINER. I suggest, in order to shorten the record, you identify these newspapers as to the date of the issue and the page of that issue, and the location on that page of the advertisements which you are calling attention to, so that the
95 Examiner in reading the record will have no difficulty in finding the advertising in question.

Mr. LOVETT. Mr. Examiner, if these newspapers are going to be offered in evidence for the purpose of showing the applicant carries liquor advertisements in his newspaper, I object unless it is shown that the applicant is going to carry the same advertisements over the proposed radio station, as he has testified it is a separate entity.

The EXAMINER. I will overrule the objection. You may go ahead, Mr. Rollo.

Mr. ROLLO. We have already identified the issue of August 9, 1935, and the liquor advertisements appearing therein on page 3.

Mr. LOVETT. Mr. Arndt, can you go back that far and give the duplicate copies?

The WITNESS. I think I can.

By Mr. ROLLO:

Q. Wednesday, May 20, 1936, issue of the paper, ad appearing, on page 2;

Thursday, May 28, 1936, issue, a liquor ad appearing on page 5, page 11, and page 12;

Friday, May 29, 1936, liquor ad appearing on page 2, page 8 and two ads on page 9;

Sunday, May 31, 1936, issue, liquor ad appearing on page 17;

Issue of June 12, 1936, a liquor ad appearing on page 3 and page 10;

Issue of July 15, 1936, liquor ad appearings on page 2 and 8.

The WITNESS. I might state we have since discontinued the liquor advertising.

The EXAMINER. Do you to offer those now as exhibits?

Mr. ROLLO. Just a minute, Mr. Examiner. We have not yet completed it; I believe.

I would like to have these to which I have just referred to, marked WKBB Exhibit No. 1, marked respectively with the let-

ters—A, B, C, et cetera, and I offer the same in evidence at this time.

Mr. LOVETT. It is understood that I am objecting to the admission of these papers in evidence.

The EXAMINER. The objection is overruled, and the newspapers are admitted in evidence as WKBB Exhibits 1-A, 1-B, 1-C, 1-D, 1-E, 1-F, and 1-G, respectively.

96 (The newspapers referred to were received in evidence and marked, "WKBB's Exhibits 1-A, 1-B, 1-C, 1-D, 1-E, 1-F, 1-G, Docket 3967," and are filed with the transcript in possession of the Commission.)

By Mr. ROLLO:

Q. I understood you to say you had discontinued liquor advertising?—A. That is right.

Q. When did you discontinue it?—A. Just recently.

Q. How recently?—A. I don't know definitely. Incidentally, I will state that the liquor law of the State of Iowa——

Q. (Interposing.) Just answer my question, when did you discontinue liquor advertising?—A. I don't know the exact date.

Q. Approximately was it a month ago?—A. Longer than that.

Q. Was it six weeks ago?—A. Approximately.

Mr. ROLLO: I now ask to have this paper marked WKBB Exhibit No. 2 for identification.

(The paper referred to was marked "WKBB Exhibit No. 2, Docket 3967," for identification.)

By Mr. ROLLO:

Q. I now show you what the reporter has marked WKBB Exhibit No. 2 for identification, and ask you if that is a copy of your paper of September 10, 1936?—A. Yes.

Q. That is four days ago?—A. Yes, September 10 would be.

Q. I call your attention to the first page of section 2, which is page 13 of the newspaper, and to the ad appearing in the lower right hand corner and ask you to tell us what it is?—A. That is "Bottoms Up."

Q. Is that a whiskey advertisement?—A. It so states. One of those must have slipped in.

Mr. ROLLO. I ask to have this paper marked WKBB Exhibit No. 3 for identification.

(The paper referred to was marked "WKBB Exhibit No. 3, Docket 3967," for identification.)

By Mr. ROLLO:

Q. I show you what has been marked WKBB Exhibit No. 3 for identification, and ask you if that is a copy of your
97 newspaper of Wednesday, September 9, 1936?—A. That is correct.

Q. I call your attention to the ad appearing in the lower left hand corner of page 4. What is that ad?—A. Seagram's.

Q. That is a liquor ad, is it not?—A. You should know.

Q. The EXAMINER. What section of the paper is that?

Mr. ROLLO. This is the first section.

By Mr. ROLLO:

Q. Then your first answer to my question that you had discontinued the liquor advertising, was an error, wasn't it?—A. I told you it was recently discontinued, but I don't know the exact date. I can assure you now it will not be carried from now on.

Q. I call your attention to the headlines of this newspaper, "Alleged Extortion Plot Revealed"; are you familiar with that news story?—A. No; I am not, except so far as I read it in the issue of September 9th.

Q. Does it involve the Klauer family of East Dubuque?—A. It involves William Klauer and Walter Klauer.

Q. Do you know if your reportorial staff approached Mr. Klauer to obtain the facts of that story before printing it?

Mr. LOVETT. I object to that as entirely immaterial.

Mr. ROLLO. It sounds as though it is, at this time, but it is a part of our story, to show the treatment the newspaper has given the radio ever since its entry into the city.

The EXAMINER. Let me see that paper.

(The newspaper was handed to the Examiner.)

Mr. BERRY. Do you mean the newspaper is opposed to the radio station?

Mr. ROLLO. Yes; and apparently the family that owns the radio station.

The EXAMINER. You may proceed.

Mr. ROLLO. I offer these papers in evidence as WKBB Exhibits No. 2 and 3, it having heretofore been marked for identification.

The EXAMINER. WKBB Exhibits No. 2 and 3 are admitted in evidence.

98 (The papers referred to were received in evidence and marked, "WKBB Exhibits 2 & 3, Docket 3967," and are filed with the transcript in possession of the Commission.)

Mr. LOVETT. What is the purpose of that exhibit; to show the attitude toward the radio station?

Mr. ROLLO. To show the liquor ad.

Mr. BERRY. Let me get this straight, Mr. Examiner, because we will have to pass on this evidence at one time or another. As I understand, the Commission has no power whatever to pass on liquor advertisements in a newspaper because it has no jurisdiction over a newspaper, but I understand these newspapers are

offered on the theory the witness has testified the same policy would be pursued by the radio station that has been pursued by the newspaper. Is that correct?

Mr. ROLLO. That, together with the fact it shows the type of applicants in this application.

Mr. BERRY. For the purpose of information, why did you confine the exhibits simply to the advertisement of liquor; why did you not offer the newspaper for whatever it contains?

Mr. ROLLO. I thought they had been admitted with that understanding, and in view of what you have stated, I offer the whole newspaper.

Mr. BERRY. That is all right then, I have no objection if you offer the whole newspaper.

Mr. ROLLO. There seems to be a little misunderstanding of the last newspaper containing the story of the extortion plot. Just before we identified the story, the witness identified a liquor advertisement shown in the paper.

Mr. LOVETT. And all of these are introduced as a matter of argument later on, of what they show.

Mr. ROLLO. If the Examiner please, as counsel for WKBB I want to take the position firmly that these exhibits that have just been admitted are offered for more than just to show the fact that liquor advertising has been carried.

I think it is a very important point for the Commission to have in mind in considering the qualifications of this applicant for a radio station license. We know that the Court of Appeals has told us that one of the guides in determining a licensee shall be by their fruits.

99 I would like to ask the Examiner to take judicial notice of the Iowa State Liquor Board law, and particularly paragraph 40 thereof, and we will supply a copy of that for you.

The EXAMINER. You will offer that now?

Mr. ROLLO. I now offer for the convenience of the Examiner a copy of the law referred to, but do not offer it as an exhibit.

The EXAMINER. All right, proceed to something else.

By Mr. ROLLO:

Q. Mr. Arndt, you participated in the hearing as a witness did you not, on the application of WKBB to move from Joliet to East Dubuque, which was held back beginning July 14, 1932, here in Washington?—A. Yes, sir.

Mr. Rollo: I ask the Examiner to take judicial notice of the record in that case, which was Docket No. 1693, Federal Radio Commission, in view of the fact that the position was then taken by this present applicant, as is clearly indicated by the evidence

in that case, that the city of Dubuque was not sufficiently large to support more than one radio station.

The EXAMINER. Is that the case that went to the Court of Appeals? Mr. ROLLO. That is correct.

The EXAMINER. In which they were not an applicant, and the court held they were not a party in interest within the meaning of the statute.

Mr. ROLLO. That is correct.

Mr. LOVETT. I presume if you take judicial notice of this record it is for all purposes, and I can refer to it as well as the intervener.

The EXAMINER. That is correct.

By Mr. ROLLO:

Q. Mr. Arndt, is it not correct that shortly after the merger of the Telegraph-Herald and the Times-Journal the advertising rates of the newspaper were raised?—A. Commensurate to the additional circulation that was brought about by the consolidated papers, and based on the mil line ratio.

Q. Is it not also correct that shortly after the advent of WKBB in the community you proposed a special local rate to your advertisers if the radio were not used?—A. No, I do not know of any such arrangement.

100 Q. Do you recall an arrangement in your local rate by which you offered a substantial reduction at that time when WKBB came in, to your advertisers if they would increase their advertising for the coming year over that of the previous year?

Mr. LOVETT. I object to that as entirely immaterial.

The EXAMINER. Objection overruled.

The WITNESS. That discount was not prompted in any sense of the word by reason of WKBB locating in Dubuque. It was merely a depression measure. You realize at that time business was on the downgrade.

By Mr. ROLLO:

Q. But it so happened that this move was taken at about the same time WKBB moved in?—A. We allowed discounts on all agreements with advertisers based on the lineage.

Mr. ROLLO. That is all I have at this time.

The EXAMINER. Is there any further cross-examination?

Mr. LOHNES. Mr. Examiner, since these papers are being introduced, I think it would be quite helpful and pertinent if we should have the papers for the last ten days. As the witness has already volunteered to supply some papers, I think that would go a long way toward trying to determine the advertising policies of the paper, since the witness has testified that the

policies of the radio station will be under the control of the same board of directors that controls the newspaper, and I would like to have the witness exhibit those papers.

The EXAMINER. I think that would be perfectly proper. I assume you are willing to supply copies of each of your daily issues for the last ten issues preceding this date?

The WITNESS. I will be glad to, Mr. Examiner.

The EXAMINER. You may cross-examine, now.

Cross-examination by Mr. LOHNES:

Q. What is the population of Dubuque?—A. The city of Dubuque, 41,678.

Q. What is the population of East Dubuque?—A. 1,395, or approximately 1,400.

101 Q. Just where is East Dubuque located with respect to Dubuque?—A. Across the Mississippi River, in Illinois.

Q. It is immediately across?

Q. *It is immediately across?*—A. Immediately across.

Q. So that only the Mississippi River divides the two communities?—A. That is correct.

Q. You testified you had 14,000 circulation in the county and 10,000 circulation in the city, but I did not understand whether you meant by that you had 24,000 circulation in the county including the city, or 14,000 in the county including the city. What is it?—A. A total of 14,000 in the county of Dubuque.

Q. That includes the 10,000 you said you had in the city?—A. That is correct.

Q. You are the only daily newspaper in Dubuque outside of this Catholic daily?—A. There is the Catholic Daily Tribune.

Q. Is that the only other daily newspaper?—A. Yes.

Q. What is its circulation?—A. The last figures I saw were in the neighborhood of I think 18,000 or 20,000.

Q. 18,000 or 20,000?—A. Yes.

Q. Is it a national paper or just a local paper?—A. The bulk of this circulation is in the local area, but it also has a national distribution outside of that particular area.

Q. Does that paper have a radio station?—A. No, sir.

Q. You have referred to the fact you had conducted a survey, and had contacted a number of advertisers, and some of those advertisers used the radio; what station did they use, do you know?—A. Some used WKBB, and in one particular instance, I think WMT; that was just one particular broadcast.

Q. The others all used the local station, that used the radio at all?—A. Yes.

Q. These two days you listened to the radio, hour after hour, did you hear any local commercials over the station?—A. Local commercials, yes. I take it you mean the sponsored programs.

Q. Yes, a sponsored program or announcement.—A. Or transcription, yes.

Q. And those were from Dubuque advertisers?—A. Not all.

102 Q. But some?—A. Some, yes.

Q. In reading over the depositions I notice a statement by a witness in there that the representative of your paper told them that immediately after the granting of this application for daytime purposes, you were going to file an application for nighttime. What have you to say about those statements of these other witnesses?—A. We are not interested in nighttime operation. What the future may hold I cannot testify to that now.

Q. Do you have any intention of immediately applying for nighttime operation if this application is granted?—A. Positively not.

Mr. LOHNES. That is all I have to ask.

The EXAMINER. Let the record show a recess is taken until ten o'clock tomorrow morning.

(Whereupon at 4:00 o'clock p. m., a recess was taken until 10:00 o'clock a. m., Tuesday, September 15th, 1936.)

PROCEEDINGS

The EXAMINER. The hearing will be resumed in Docket 3967, the Telegraph-Herald of Dubuque, Iowa, and Docket 4031, Sanders Bros.

Mr. LOVETT. Mr. Arndt is still on the stand, I believe.

The EXAMINER. Yes, that is correct. He may resume the stand.

Mr. ROLLO. I have one or two further questions of Mr. Arndt that I would like to ask.

Whereupon WILLIAM J. ARNDT resumed the stand and testified as follows:

Cross examination (continued) by Mr. Rollo:

Q. Mr. Arndt, referring again to the some 260 odd active advertisers you mentioned in your testimony—— A. (Interposing) It was 231.

Q. Did I understand you to testify that those active advertisers are active advertisers in your newspaper?—A. No, they are active in various media of advertising in the city of Dubuque.

103 Q. From what source did you obtain the total number?—A. We keep an accurate record as to the advertisers that might advertise in our daily or any other medium of advertising. That information is gathered by our advertising staff, naturally.

Q. Would the 231 include Eddy's of East Dubuque, that has an ad in your newspaper?—A. We solicit very little advertising in East Dubuque by reason of the small population of 1,395. There might not be over three accounts.

Q. Just answer my question, would Eddy's of East Dubuque be included in the number of active advertisers you testified to?—A. Certainly.

Q. What is Eddy's; do you know?—A. Eddy's is, I think, a saloon for the sale of liquor in East Dubuque, Illinois.

Q. Is it just a small organization?—A. Yes, it is.

Q. Would the Turf of East Dubuque be included in that number?—A. I don't know.

Q. If that organization advertises in your newspaper it would be, would it not?—A. I don't know.

Q. In other words, it would be classified as an active advertiser by you in the advertising media of Dubuque?—A. I don't know that specifically.

Q. Would the Circle Bar of East Dubuque be included?—A. Yes.

Q. What is that?—That is of a similar nature.

Q. Would Petries of East Dubuque be included?—A. Yes.

Q. What is that?—A. Of similar nature.

Q. Would the Sandwich Inn of 18th and Central Avenue be included?—A. Yes.

Q. What is that?—A. Of a similar nature.

Q. Would the Evergreen Gardens of Asbury, Iowa, be included?—A. No, they are not included in that list.

Q. Would the Buelow Silver Palace be included, at the corner of Rockdale and Greenview?—A. As an advertiser, yes.

Q. In other words, that 231 active advertisers list comprises a large number of small saloons, sandwich shops, and so forth?—A. If you pardon me, I wish to correct your understanding there. I stated that there were a total of 350 advertising accounts in the city of Dubuque.

Q. How does that 350 differ from the 230 you mentioned this morning?—A. There is always a possibility of developing
104 a potential advertiser, and for that reason we maintain an adequate staff?

Q. The 350 would certainly include a great number of these small organizations I have enumerated this morning.—A. Those organizations would not possibly aggregate more than ten at the outside.

Q. But you have included them in arriving at this total number of 350?—A. That is right.

Mr. ROLLO. Did the list of 60 advertisers contacted get into the record, Mr. Lovett?

Mr. LOVETT. I do not think it did.

Mr. ROLLO. Do you propose to offer the list in evidence?

Mr. LOVETT. It is perfectly all right with me, Mr. Rollo, but I don't think it was offered in evidence.

Mr. ROLLO. That is all I have of this witness.

The EXAMINER. Is there any further cross-examination?

Mr. BERRY. I have a few questions.

Cross-examination by Mr. BERRY:

Q. I understand there are two daily newspapers in your city, is that correct?—A. That is correct.

Q. Do you know, and can you state approximately, the annual advertising bill for that city in inches or in lines, whichever way you get your report, as to the amount of advertising?—A. Yes, as it pertains to our daily.

Q. Can you state approximately as to the other? I want to get the total amount as best I can, if you happen to know?—A. No, I don't know.

Q. Would you give that to me as to your own newspaper then?—A. You want the lineage figures for any definite period?

Q. I want to get the annual advertising cost as carried in your newspaper. You can give it to me either in lines or inches, and if you cannot give it exactly, give it approximately.—A. The 1935 figures, which include all classifications of advertising, and by that I mean national, local, classified, legal, and so on, was in excess of five million lines. I think the exact figure is 5,542,000 or in that neighborhood of lines of advertising.

105 Q. Is there any way you could give me an estimate by excluding legal advertising, as legal advertisements are not prospective radio advertisers?—A. No; they are not.

Q. Now, could you give me your estimate of the prospective commercial advertisements?—A. That would be in the neighborhood of five million lines.

Q. What would be the approximate gross income be from that?—A. Based on our mit line rates that would be approximately $400,000, which is the gross.

Q. If you have made any survey, what in your judgment would be the amount that the radio station would absorb or take over from that newspaper, if any; would there be such a conflict between those media as to take any of that advertising from the newspaper?—A. No, sir.

Q. The station that is located just across the river, is there any perceptible competition between the advertising you carry in your paper and the advertising they carry?—A. I would not think so.

Q. Do they solicit local advertising in your city?—A. Yes.

Q. Does your newspaper carry any of the announcements as to the local religious and civic matters that are activities of the city.

other than the announcement of church services?—A. Yes, all civic and church matters, whatever is desired by those organizations is carried in the columns of our paper free of charge.

Q. Do you have a portion or column of your paper devoted to the advancement of local religious and civic affairs; that is, do you have any part of your paper that is devoted to that exclusively?—A. Yes; to a certain extent. We frequently publish a feature, I think the caption of which is "The Sunday School," which frequently appears on our editorial page, and the various editions of the paper will show the news of general interest to these organizations, although it may not be classified as a definite feature.

Q. You say that is headed, "The Sunday School," is that international Sunday school lessons that is carried, is that what you mean?—A. It is a feature that is published as one of our features. It might be localized to a certain extent by the Ministerial Association or the Catholic clergy in Dubuque. However, that is not a daily feature.

106 Q. As to agriculture, I believe you testified the country adjacent to the city was devoted largely to agricultural affairs and dairy farming, is that correct?—A. Dairying, cheese, butter and eggs, and farming.

Q. Does your paper carry any special features with respect to agricultural interests, and if so, what is the nature of it, and what part of the paper do you carry that in?—A. We carry agricultural news naturally by reason of the agricultural area we serve. The county agents supply the data as well as certain news stories that are gathered by our country correspondents in their contacts with the individual farmer.

Q. Does that come to you in the nature of correspondence, and you have your representatives send in various statements from the various parts of the country that your paper covers, and that is put in the form of correspondence, or how do you carry that?—A. Some of it comes in that way and some of it is brought in direct by the various associations, and frequently by the farmer himself.

We endeavor through our sales force in the circulation to develop that angle to give as much agricultural news as possible, consistent with the particular territory we serve.

Q. Does this radio station that is already operating there, what does it carry in the nature of farm news, does it have an agricultural program?—A. I think they have.

Q. What is the difference, if any, between the programs they carry and the programs you carry in the newspaper, just give me a general idea?—A. I don't know to what extent the station exploits the agricultural side of it other than the fifteen minute broadcast.

Q. What would be your policy with reference to agriculture: you discussed that some, but what would be your general fixed policy with reference to carrying agricultural programs and agricultural matters for the benefit of the rural section of your side of the river?—A. The six counties, including Dubuque County, will give us their cooperation in producing matters of an agricultural nature, especially designed for their particular needs.

Despite the fact that the county agent at Lancaster would have his program on the air once a week, it would not necessarily
167 mean that the other five counties would be interested. Certain departments of agriculture for Grant County might not have a direct bearing on the other counties.

Q. The character of the country and the farming interests I assume in those five counties you refer to are similar?—A. Not in all respects. Some of the counties differ. For instance, I have in mind Grant County, Wisconsin, the cheese industry is predominant in that county, whereas in Clayton County it would be possibly dairying, and a part of Dubuque County and a part of Delaware County would be live stock.

Q. What area are you embracing in the territory you are now discussing; how much territory are you taking in miles?—A. It is our hope to be able to serve a 40- to 50-mile area from Dubuque, a radius of from 40 to 50 miles.

Mr. BERRY. I think that is all.

Mr. LOVETT. I have a few more questions.

The EXAMINER. All right, you may proceed.

Redirect examination by Mr. LOVETT:

Q. Mr. Arndt, can you give us any idea as to the annual farm revenue from the efforts of this particular area?—A. The proposed service area of the station?

Q. Yes.—A. According to the 1930 Census, which is revised in 1933 on the market survey, the farm area will produce in excess of $95,000,000. That is the revenue that accrues to the farmers from the sale of their products.

Q. Mr. Berry mentioned the farm programs which you were going to carry; are there any other daily programs suggested by you in addition to the 30-minute noon period you mentioned yesterday as being a daily feature, one day each week, devoted to each of the six counties?—A. Yes, indeed; there a number of programs that are especially designed for the benefit of the farmer.

I have a break down of the percentages, and I believe I testified yesterday as to the number of hours we will devote to farm programs. If you want the amount I will give it to you again.

Q. That includes local and general market reports?—A. No; it does not. I classified our market reports and market reviews as a news broadcast, of which a great percentage could be attributed to the interests of the farmer primarily.

108 Q. You have listed a local market review at 9:30 to 9:45 in the morning; what is that?—A. The local market review is to acquaint the farmers with the prices paid for produce. In the city of Dubuque we have buyers of livestock, buyers of butter and eggs; we have a large city market; I mean a city market where the farmers come into the city, park their trucks and their wagons at the city market, and they sell the products of their farms to the consumers direct, and the farmer is interested in that type of information so that when he markets his stuff at eleven o'clock in the morning and on Saturdays as early as nine o'clock, or possibly earlier, he wants to know what the prevailing market price is in Dubuque so that he can gauge his price accordingly.

Q. Is that information available to him elsewhere at the present time?—A. Not to my knowledge.

Q. Do you know what the total bank deposits are in the city of Dubuque?—A. As of June 1st, 1936, it was in excess of $10,000,000.

Q. Yesterday you referred to a list of actual contacts you had made of business firms in the city of Dubuque. I show you these lists which are marked for identification as Applicant's Exhibit No. 6, and ask if those are the lists to which you referred?—A. Yes; this is the list of actual contacts.

Q. You prepared that list yourself?—A. I did.

Q. And it is a correct list?—A. It is.

The EXAMINER. What is that list of?

By Mr. LOVETT:

Q. You might explain again what it is.—A. This is a list of factual contacts I personally made of advertisers in Dubuque among the 231 active accounts.

Q. Are these business houses there listed now using the radio as an advertising medium?—A. No.

The EXAMINER. You mean none of them are using the radio at the present time?

The WITNESS. No; they are not.

Mr. LOVETT. I offer this list in evidence as Applicant's Exhibit No. 6.

The EXAMINER. Applicant's Exhibit No. 6 will be admitted in evidence.

109 (The lists referred to were received in evidence and marked, "Applicant's Exhibit No. 6, Docket 3967," and are filed with the transcript in possession of the Commission.)

By Mr. LOVETT:

Q. Mr. Arndt, yesterday, you stated that in a proceeding before the Commission in 1932, involving the removal of WKBB from Joliet, Illinois, to East Dubuque, Illinois, you testified this area in the vicinity of Dubuque had adequate radio reception. How do you reconcile that statement with your present position in applying for a permit to establish a new station to serve this area?—A. Well, in the first place that was four years ago. In the second place, my statement was based upon the service rendered by the clear channel stations which at that time, and even now possibly, are rendering a fair service.

But, in the last year it became apparent to us, and from comments and suggestions of many people, that there was a very definite need for a purely localized radio service designed especially for this area, which we hope to serve.

Q. I believe you also stated that the Telegraph-Herald had discontinued liquor advertisements several weeks ago, and it appeared that some such advertising has since been carried. How do you explain that?

Mr. ROLLO. I object to that, if your Honor please, as immaterial.

The EXAMINER. Objection sustained, you are cross-examining your own witness.

Mr. LOVETT. I am merely asking him for an explanation of his testimony brought out on cross-examination.

The EXAMINER. I think it was a proper procedure to establish this fact.

By Mr. LOVETT:

Q. Why did the Telegraph-Herald decide to discontinue liquor advertising?—A. Upon my recommendation.

Q. On what was your recommendation based?—A. My recommendation was based on the fact that inasmuch as there was some question as to the propriety of this type of advertising from the Liquor Control Commission we discontinued this type of advertising in view of those existing circumstances.

110 Incidentally, I have attended many meetings in Des Moines of the Liquor Control Commission in which this matter was discussed at great length.

The EXAMINER. You mean the propriety of carrying liquor advertisements?

The WITNESS. That is right.

The EXAMINER. That is, in newspapers you mean?

The WITNESS. In the newspapers, yes.

By Mr. LOVETT:

Q. You say the Telegraph-Herald decided to discontinue several weeks ago, what do you mean by "discontinue?"—A. Well,

liquor advertising has been discontinued, but certain existing and outstanding contracts had to be considered by reason of certain provisions of the advertising contracts.

Q. As these existing contracts expire will they be renewed?—A. Absolutely they will not be renewed.

Q. Do you intend to carry liquor advertising over the proposed station?—A. Positively not.

Q. There was also some discussion yesterday about your plans for conducting the church calendar which you schedule for five minutes each Sunday morning. Will you please state just how you intend to conduct that program?—A. Dubuque has 29 churches. I know from my own experience with the newspaper that a number of these churches will not submit their copy, and for that reason I was of the opinion that five minutes would be adequate. However, if that is not the case I will allot ten minutes or something additional, as many additional minutes as necessary.

Q. There was also considerable discussion yesterday about the remote lines which were mentioned in the depositions. Entirely apart from the four permanent remote lines which you list in your schedule of construction and operating costs, will you state whether or not you plan to carry out these plans mentioned by the various organizations and individuals appearing in the depositions?—A. Yes; in a great many cases we will be permitted to use short wave equipment, and we have set aside a certain amount in our estimated costs to take care of short wave equipment.

I have in mind, as I stated yesterday, the corn husking contest, and farm gatherings, like one where a very inter-
111 esting feature would be an auction sale, fairs and draft horse shows.

At a number of those places we will not have the telephone lines, so naturally we will resort to short wave, and we will get permission to use short wave for those occasions.

Q. You mentioned auction sales, will you explain that, do you mean bankruptcy foreclosure proceedings or what do you refer to?—A. No; an auction sale is where a farmer decides to discontinue the business of farming, and he sells his buildings, property, farm products, and even a lot of personal effects. That sale is held by an auctioneer, which the title itself defines, of course, and he gives a lot of ballyhoo to get the maximum for the farmer, and it is very interesting to listen to; I have had that experience myself.

Q. Are these sales quite widely attended?—A. Yes; very widely attended. The farmers of a wide area attend these auction sales, not merely from the standpoint of necessarily buying anything, but from the standpoint of the novelty.

Mr. LOVETT. That is all.

Mr. ROLLO. I have a few more question to ask if I may?

The Examiner. Yes; you may.

Recross-examination by Mr. ROLLO:

Q. Your estimate of $400,000 as the gross income for five million lines of advertising includes both national and local advertising, does it?—A. Yes.

Q. Can you break that down into local and national?—A. I am sorry I haven't those figures.

Q. Can you give us an approximate estimate?—A. No; I would not know. We are interested in the gross sale of our total lineage for a stipulated period.

Q. You are sufficiently familiar with the operation of the paper to give us a rough estimate, are you not, of the percentage of local and national advertising carried?—A. I am afraid I am not.

Q. You have no idea of that?—A. No, sir.

Q. What counties do you include in arriving at the total of $95,000,000 as the total agricultural revenues?—A. The six counties in this proposed radio area.

112 Q. You are not carrying the market reports in your newspaper you propose to broadcast, are you?—A. Just what do you mean, what market reports?

Q. The local market reports of Dubuque that you propose to broadcast as you have described?—A. Only sporadically. I might amplify that by stating our paper delivered to the farmers does not reach him maybe until eleven o'clock, and in some instances it is later than that on account of the rural route service.

Q. What would be the maximum distance you would expect to serve with your short-wave equipment; did I understand you correctly that you expect to use short wave in some of these instances described in your depositions; that is the program from the county agent and the schools in the counties?—A. Yes.

Q. You mentioned the circulation yesterday of the other daily newspaper, I think about 19,000 or 20,000, was that correct?—A. That was an estimate.

Q. What would be your estimate of their city circulation and their Dubuque County circulation?—A. I don't know, those records are not available to me.

Q. It is a very small proportion of the 20,000, isn't it?—A. No; I do not think so.

Mr. ROLLO. If the Examiner please, yesterday I asked you to take judicial notice of the testimony of this witness.

The EXAMINER. I remember you making the statement, but that is not the proper way to get that matter into the record.

Mr. ROLLO. I think the proper way would be to read this testimony into the record.

The EXAMINER. You would have to lay a foundation for the contradiction of the witness in order to get that into the record, and that you have not done.

You could point out to the witness the specific questions and answers that he made in the previous record, and ask him whether or not that is correct, whether his testimony coincides with that or not.

If you want to take time to look that record over, we can recall the witness at a later time for further cross-examination, and save some time perhaps.

Mr. ROLLO. Then that is all I have for the present.

113 Mr. BERRY. I have one further question I would like to ask to get it straight in the record.

The EXAMINER. All right, proceed.

By Mr. BERRY:

Q. With reference to the question asked about your testimony four years ago, have there been any economic changes in that section of the country during the last four years, either for better or worse?—A. It is much improved from 1932, the records will show that.

Q. How would that be with reference to income from advertising, if you know, by radio, newspaper, or any other medium that you know of?—A. It would be proportionately increased.

Mr. BERRY. That is all.

The EXAMINER. Is it your contention that business conditions have improved substantially in the Dubuque area since 1932?

The WITNESS. Oh, yes, very substantially.

Mr. ROLLO. I move that that be stricken as the pure conclusion of the witness, and not based upon any facts.

The EXAMINER. I think it is competent for him to state that business conditions have improved in that community, whether prosperity is around the corner or whether we have turned the corner. That is a matter of general information, and of very great importance to the community.

The WITNESS. The simple fact that the market to the farmer has been greatly increased over 1932 on every product he has to sell from his garden truck to live stock shows that there is a better market prevailing today, and I know that of my own knowledge.

The EXAMINER. Do you know what corn was selling for in that territory in 1932?

The WITNESS. It was less than 40 cents because corn right after that was pegged for the price of 40 cents, that is, shortly after 1932, and corn today is selling for over a dollar a bushel.

Hogs are selling for $18.00 per hundred weight.

The EXAMINER. What were they selling for in 1932 or 1933?

The WITNESS. From two to three dollars.

114 The EXAMINER. Of course, that is not primarily a wheat country, but you raise some wheat there, no large quantities.

The WITNESS. Some, yes; but that is not one of the principal products. However, oats and barley are.

The WITNESS. What was the variation in the price of oats as compared with what it is now?

The WITNESS. Comparatively to the same amount based on the sale of that product. Oats sold for as low as 20 cents a bushel, and the market today, if I am not mistaken, is in the neighborhood of from 70 cents to 80 cents a bushel.

The EXAMINER. What about hay?

The WITNESS. The same condition. Hay sold then very cheaply, five to seven dollars a ton, and today alfalfa hay, clover, and all legume hay is $18 a ton.

Live stock, and I am speaking of shipper cattle, sold as low as 4 cents, possibly lower, and today the price is almost double that amount.

The EXAMINER. What do they attribute these increased prices to?

The WITNESS. To a generally improved economic condition.

The EXAMINER. All right, the witness will stand aside for the present. Call your next witness.

Mr. LOVETT. At this point, Mr. Examiner, I offer in evidence depositions which were taken by the applicant in support of its application in Dubuque on August 21, 1936, pursuant to an Order of the Commission dated August 10, 1936.

The EXAMINER. When were they filed?

Mr. LOVETT. They were received by the Commission on September 6, 1936.

The EXAMINER. Let the depositions taken pursuant to the order of the Commission in this case be filed and made a part of the record in the case, subject to the usual objections as to the competency of the testimony.

(Depositions of the following witnesses were received in evidence: Hermith S. Huehn; Floyd E. Pratt; John W. Giellis; Ben H. Walker; Frank E. Ralph; F. L. Burns; Charles F. Martin; Mary A. Meyer; Dale D. Welch; Frank R. Kerrigan; Msgr. J. M. Wolfe; Sister Mary Carlos; Earl D. Cline; Prof. A.
115 C. Kleine; Prof. Edward J. Schroeder; Joseph P. Flynn; Doris McCaffrey; Dr. W. J. Connell; Rev. Hugh D. Atchison; Roy Combs; L. Walter Dick; Thomas J. Ryder; Msgr. Thomas Conry; H. R. Brunnemeyer; Dr. Emil H. Raush.)

Mr. LOVETT. I will call Mr. Burch.

Whereupon JOSEPH A. BURCH was called as a witness on behalf of the Applicant, and having been duly sworn, was examined and testified as follows:

Direct examination by Mr. LOVETT:

Q. Will you state your name, residence, and occupation?—A. Joseph A. Burch, 7 West 8th Street, New York City, measurement engineer.

Q. State whether or not you made certain field intensity measurements for the Telegraph-Herald at Dubuque, Iowa, to determine the intensity rendered at various times in or near the city of Dubuque of certain radio stations?—A. I did.

The EXAMINER. Have you qualified this gentleman as an expert engineer?

Mr. LOVETT. We are not calling him as an expert engineer, Mr. Examiner.

The EXAMINER. All right, proceed.

By Mr. LOVETT:

Q. Will you describe what equipment you used in making the field intensity measurements?—A. I used a type 403 General Radio signal generator together with a Silver Marshall superheterodyne receiver equipped with vacuum tube volt meter, the entire apparatus being mounted in a Ford truck and used with loops of various sizes.

Q. Will you state by whom your equipment was calibrated, giving the date and the accuracy of the equipment?—A. The equipment was calibrated on April 18th by the Physics Laboratory of the University of Texas, and on September 1st by the Collins Radio Company of Cedar Rapids, Iowa, and the accuracy of the equipment was within 10 per cent.

Q. Will you state what, if any, experience you have had before in making measurements?—A. During the past ten
116 years I have made numerous field intensity measurements for various stations throughout the United States.

Q. Will you explain what measurements were made in this case, giving the location and the dates on which the measurements were made?—A. Measurements were made at a point 40 miles east of Dubuque, 20 miles east of Dubuque, at the east city limits of the city of Dubuque, and the approximate center of the city of Dubuque, the west city limits of the city of Dubuque, 20 miles west of Dubuque and 40 miles west of Dubuque, all distances air line.

Q. Will you state whether or not you have tabulated the results of your investigation?—A. I have.

Q. Will you state whether or not this is such tabulation?—A. It is.

Q. Did you prepare this tabulation from your measurements and field notes?—A. I did.

Q. Is it correct?—A. Yes.

Mr. LOVETT. If the Examiner please, I wish to have this tabulation identified by the witness, marked Applicant's Exhibit No. 7, and I offer it evidence as such.

The EXAMINER. You may have it marked for identification.

(The tabulation referred to was marked "Applicant's Exhibit No. 7, Docket 3967," for identification.)

Mr. ROLLO. I have no objections to this.

The EXAMINER. Applicant's Exhibit No. 7 will be admitted in evidence.

(The tabulation was received in evidence an dmarked, "Applicant's Exhibit No. 7, Docket 3967," and is filed with the transcript in possession of the Commission.)

Mr. ROLLO. May I ask, at what time of day were the measurements made?

The EXAMINER. I think he testified as to the dates of the measurements, did you not?

The WITNESS. No; I did not, but it is shown on the exhibit.

Mr. LOVETT. I ask to have these maps marked respectively Applicant's Exhibits 7–A and 7–B for identification.

(The maps referred to were marked "Applicant's Exhibits 7–A and 7–B, Docket 3967," for identification.)

117 By Mr. LOVETT:

Q. Mr. Burch, I hand you a map which has been marked for identification Applicant's Exhibit 7–A, and ask what it represents?—A. This map represents the locations in the city of Dubuque where measurements were made of the various stations on the accompanying sheet.

Q. And which sheet has been offered in evidence as Applicant's Exhibit No. 7?—A. Yes.

Q. You prepared this map yourself?—A. Yes.

Q. It is correct?—A. Yes; it is correct.

Mr. LOVETT. I offer this map in evidence as Applicant's Exhibit 7–A.

The EXAMINER. Is there any objection to Applicant's Exhibit 7–A?

Mr. ROLLO. No objection.

Mr. JOHNSTON. No objection.

The EXAMINER. Applicant's Exhibit 7–A is admitted in evidence.

(The map referred to was received in evidence and marked, "Applicant's Exhibit 7–A, Docket 3967," and is filed with the transcript in possession of the Commission.)

By Mr. LOVETT:

Q. Mr. Burch, I now hand you a map which has been marked for identification as Applicant's Exhibit 7-B, and ask you to explain what that represents?—A. It is a map representing the points at which measurements were made 20 miles east, 40 miles east, 20 miles west and 40 miles west of the city of Dubuque.

Q. Was this prepared from notes which you tabulated on Exhibit No. 7?—A. Yes.

Q. It is correct?—A. It is correct.

Mr. LOVETT. I offer this in evidence as Applicant's Exhibit 7-B.

The EXAMINER. Applicant's Exhibit 7-B will be admitted in evidence.

(The map referred to was received in evidence and marked, "Applicant's Exhibit 7-B, Docket 3967," and is filed with the transcript in possession of the Commission.)

118 By Mr. LOVETT:

Q. In making these measurements, Mr. Burch, did you use the field intensity of all stations of 100 microvolts per meter or greater?—A. I did.

Q. Did your also attempt to measure the field intensity of any stations on 1340 kilocycles at each of the locations?—A. I did.

Q. What were the results?—A. No signal heard on 1340 kilocycles.

Q. What is the lowest signal your equipment will record?—A. Approximately 20 or 25 microvolts.

Mr. LOVETT. That is all for this witness.

The EXAMINER. You may cross-examine.

Cross-examination by Mr. ROLLO:

Q. Mr. Burch, you stated you attempted to measure the signal on 1340 kilocycles at each of these locations?—A. Yes.

Q. At what time of day?—A. All times of day, and no measurements were made before 7:00 a. m. or after 7:00 p. m.

Q. At 40 miles west of Dubuque, at that particular point, at what times of the day did you attempt to get a signal on 1340?—A. Between one and two in the afternoon.

Q. That is the only time at that location?—A. Yes.

Q. At the point 20 miles west of Dubuque, what time was it?—A. Between 9:00 a. m. and 10:00 a. m.

Q. And that is the only time you attempted that?—A. Yes.

Q. At the west city limits of Dubuque, at what time was that attempt made?—A. Between 6:15 and 7:00 p. m.

Q. What were your results at that time?—A. None. I could not hear any signal on 1340.

Q. At the center of the city of Dubuque, what time was it?—A. Just a moment now, I gave you that time at the west city

limits of Dubuque between six and seven p. m., you asked for the east, didn't you?

Q. I asked for the west city limits?—A. That was between 6:15 and 7:00 p. m.

Q. And you got no signal?—A. No signal.

Q. What time was it at the center of the city of Dubuque?—A. Between five and six p. m.

119 Q. You got no signal there?—A. No signal there.

Q. What time was it at the east city limits?—A. Between 5:15 and 4:30 p. m.

Q. Did you get any signal?—A. No signal.

Q. At the point 20 miles east of Dubuque, what time was it?—A. Between 1:15 and 2:35 p. m.

Q. Did you get any signal?—A. No signal.

Q. At the point 40 miles east of Dubuque, what time was it?—A. Between 10:05 a. m. and 11:20 a. m., with no signal.

Q. Have you checked your list of measurements for typographical errors?—A. Yes. We found one typographical error, which has been corrected, and I do not think there are any further such errors in it.

Mr. Rollo. That is all.

The Examiner. Is there any further cross-examination?

Mr. Johnston. I have no questions.

The Examiner. Have you any questions, Mr. Berry?

Mr. Berry. I have no questions.

The Examiner. The witness will stand aside. Call your next witness.

Mr. Lovett. I will call Mr. Barron.

Whereupon John H. Barron was called as a witness on behalf of the Applicant, and having been first duly sworn, was examined and testified as follows:

Direct examination by Mr. Lovett:

Q. Please state your name, residence, and occupation.—A. John H. Barron. My residence is Chevy Chase, Maryland; occupation, consulting radio engineer with offices in the Earle Building, Washington.

The Examiner. Will his qualifications as an expert engineer be waived?

Mr. Berry. We will waive that; yes.

Mr. Rollo. We concede his qualifications.

The Examiner. Let the record show that the qualifications of Mr. Barron as an expert radio engineer are conceded by all parties interested.

120 By Mr. LOVETT:

Q. Will you state whether or not you have been retained by the Telegraph-Herald as a consulting radio engineer for the purpose of handling the engineering problems involved in the application now being heard?—A. I have.

Q. What is the assignment sought by the applicant?—A. The applicant seeks a construction permit for authority to operate on the regional channel 1340 kilocycles with power of 500 watts and daytime hours of operation.

Q. State what equipment is to be installed and where it is to be located.—A. If this assignment is granted by the Commission it is proposed to install a Collins 20–A 500-watt transmitter. This will be of the latest type being sold by the Collins Company, and which is designed and built in accordance with modern engineering standards as to the requirements for high-fidelity transmission, minimized distortion, audio frequency characteristics, harmonics, safety features, and all other engineering phases. An approved type of frequency monitor and an approved modulation indicator will also be installed.

The antenna which is proposed to be installed is a vertical radiator, one-fourth of a wave length high, which will be 185 feet.

An efficient ground system is to be installed. This will be a network of copper wires consisting of not less than 120 radials, extending outward from the base of the radiator for a distance of at least 185 feet.

These radials will be spaced three degrees apart. They will be buried in the ground about six inches below the surface.

I made a personal visit to Dubuque, and after special study of the lay-out of the city, topography, available ground and the proposed assignment, I selected a proposed transmitter site which is about three miles northwest from the center of Dubuque, near Gardners Lane, northeast of Highway 52.

In the event the construction permit is granted, a further investigation of this site will be made in order to be absolutely certain that it is the most desirable from the standpoint of obtaining efficient transmission.

121 This location which has been selected, however, appears to be a good one as it is in bottom land which is quite marshy, flat, and fertile.

Q. I will ask you to state whether or not your services have been retained by the Telegraph-Herald to supervise the construction of this station if the permit is granted?—A. Yes; such an arrangement has been made.

Q. What if any stations are now licensed for operation on 1340 kilocycles or adjacent frequencies which might involve the problem of interference?—A. According to the latest published tables of recommended separations, the average distance recommended for the simultaneous daytime operation of two stations on the same regional frequency, one of which has power of 500 watts and the other 500 watts or less, in 260 miles.

The recommendation for daytime operation is 300 miles for 1 kilowatt and 400 miles for 5 kilowatts.

The nearest station to Dubuque, Iowa, which now operates on 1340 kilocycles is Station WSPD, Toledo, Ohio, with assigned power of 5 kilowatts during daytime. The distance from Dubuque to Toledo is 368 miles, which is well in excess of the 260 miles required for operation with power of 500 watts.

It is therefore apparent that the Dubuque station will not cause interference within the service area of Station WSPD, which is to be protected as determined by the published standards, which in the case of regional stations, is the 0.5 millivolt per meter contour, and that interference is not considered objectionable, which is caused less than 10 percent of the time.

There are no other stations located at distances less than the separations required, either on 1340 kilocycles or on any adjacent frequency.

Mr. LOVETT. I ask that this map be marked for identification as Applicant's Exhibit No. 8.

(The document referred to was marked "Applicant's Exhibit No. 8, Docket 3967, for Identification.")

By Mr. LOVETT:

Q. Mr. Barron, I hand you a document which has been marked Applicant's Exhibit No. 8 for Identification, and ask you
122 to explain what it represents.—A. This exhibit shows the location of the 10, the 2, and the .5 and the .25 and the .1 millivolt per meter contours of the proposed station.

This is based upon the conductivity determined from the measurements made by Mr. Burch of Station WKBB located in East Dubuque, Illinois. I calculated the conductivity based upon these measurements both in the easterly and the westerly directions to be expected, as very nearly one times 10 to the minus 13th emu.

Q. You say the calculations are based upon the measurements taken by Mr. Burch which have been offered in evidence in this proceeding?—A. Yes; they were.

Q. You prepared this map yourself?—A. I did.

Q. It is accurate?—A. It is.

Mr. LOVETT. I offer in evidence at this time Applicant's Exhibit No. 8, being the map identified by the witness.

The EXAMINER. Applicant's Exhibit No. 8 will be admitted in evidence.

(The document referred to was received in evidence and marked "Applicant's Exhibit No. 8, Docket No. 3967" and is filed with the transcript in possession of the Commission.)

By Mr. LOVETT:

Q. Mr. Barron, will you explain the significance of the contours which appear upon Exhibit No. 8?—A. The 10 millivolt per meter contour is the accepted standard for the minimum field intensity required to render good service in business sections of cities. The 2 millivolt per meter contour is the minimum intensity required to render good service in residential and suburban sections of cities. The 0.5 millivolt per meter contour is the intensity required to render what is specified as good service in rural areas. The 0.25 millivolt per meter contour is the standard for what is termed fair service in the rural areas, and the 0.1 millivolt per meter contour is the standard termed as poor service in rural areas.

Q. Did you hear the testimony of Mr. Arndt regarding the density of population in the area between 35 and 50 miles from Dubuque?—A. I did.

Q. In the light of his testimony, and of your calculations, what would you say concerning the acceptability of the
123 service proposed to be rendered in that area between 35 and 50 miles from Dubuque?—A. In that area the field intensity is expected to be 250 microvolts. While 500 microvolts is accepted as the standard for good service, nevertheless 250 microvolts does render an acceptable service in rural areas and cities of small size for a considerable portion of the time, and represents a type of service which is frequently used by rural listeners.

Mr. LOVETT. I ask to have this marked for identification as Applicant's Exhibit No. 9.

(The document referred to was marked "Applicant's Exhibit No. 9, Docket No. 3967, for Identification.")

By Mr. LOVETT:

Q. Mr. Barron, I hand you a paper which has been marked Applicant's Exhibit No. 9 for Identification and ask you what that shows.—A. This exhibit shows the calculated population based upon the official United States 1930 Census figures within each of the contours shown on the map, and also shows the radius in miles of these contours.

Q. Did you prepare this statement yourself?—A. I did.

Q. Is it correct?—A. It is.

Q. In accordance with the figures published by the 1930 Census?—A. It is.

Mr. LOVETT. I offer in evidence at this time this calculation as Applicant's Exhibit No. 9.

Mr. ROLLO. There is no objection.

The EXAMINER. Applicant's Exhibit No. 9 will be admitted in evidence.

(The document referred to was received in Evidence and marked Applicant's Exhibit No. 9, Docket No. 3967, and is filed with the transcript in possession of the Commission.

By Mr. LOVETT:

Q. Mr. Barron, have you analyzed the measurements made by Mr. Burch, showing the service from other stations rendered within the area which will be served by the Dubuque Telegraph-Herald?—A. I have.

Mr. LOVETT. I ask to have this marked Applicant's Exhibit No. 10 for identification.

124 (The document referred to was marked "Applicant's Exhibit No. 10, Docket No. 3967, for Identification.")

By Mr. LOVETT:

Q. I hand you a chart which has been marked Applicant's Exhibit No. 10 for Identification and ask what that represents?—A. This exhibit shows a graphic tabulation of the service available within the limits of 40 miles west of Dubuque to 40 miles east, which covers the 0.5 millivolt per meter contour which the Dubuque station will serve.

The exhibit speaks for itself, and at each point where the measurements were taken by Mr. Burch it shows the list of stations which are above the minimum standard required to render good service at that point, the first column being at the location of 40 miles west where a 0.5 millivolt per meter signal or greater is required for the best rural service, and indicating those stations which do render that type of service at that point.

For any one station to cover the same area which will be covered by the Dubuque station, it will be necessary that their call letters appear in every one of these columns, but it will be seen that the only stations which will render a field intensity of 0.5 millivolt per meter or greater, within the entire area which we will serve, are Stations WMT and WMAQ. WMT, Cedar Rapids, Iowa, does not render a field intensity of 10 millivolts per meter throughout the business section of Dubuque, which requires this intensity or more.

Station WMAQ, Chicago, Illinois, also renders a field intensity of 0.5 millivolt per meter or greater, within the area which

will be served by the Dubuque station, but WMAQ does not render good service within the city limits of Dubuque, which requires an intensity of 2 millivolts per meter or greater.

Station WKBB, East Dubuque, Illinois, is the only station which renders a field intensity of 10 millivolts per meter or greater, in the business section of Dubuque. However, Station WKBB will not cover the entire rural area which will be served by the proposed station, but only a portion thereof.

Mr. LOVETT. I offer in evidence Applicant's Exhibit No. 10 which has been marked for identification.

125 Mr. ROLLO. There is no objection.

The EXAMINER. Applicant's Exhibit No. 10 is admitted in evidence.

(The document referred to was marked "Applicant's Exhibit No. 10, Docket No. 3967," and was admitted in evidence.)

Mr. LOVETT. That will be all of this witness, Mr. Examiner.

The EXAMINER. You may cross-examine.

Cross-examination by Mr. ROLLO:

Q. Mr. Barron, referring to Applicant's Exhibit No. 7, I call your attention to the field intensity shown for WIND at a point 40 miles east of Dubuque, indicating a field intensity of 400 microvolts. That is correct, is it not?—A. That is right.

Q. I also call your attention to the measurement of WIND at 20 miles east of Dubuque at somewhat less, 318 microvolts. Is that correct?—A. That is right.

Q. Now, on the east city limits of Dubuque it shows a field intensity of 137 microvolts for WIND, does it not?—A. Yes.

Q. Does such a marked drop in field intensity occur on that frequency under the conductivity that you have assumed, in ordinary cases?—A. It is not a very marked drop between 40 and 20 miles, that seems to be a reasonable drop.

At the east city limits there is a considerable drop there, which probably is caused possibly by some local shadowing effect, I don't know, but the reason for such a decrease could be found, of course.

Q. What intensity would you expect WIND to deliver at Dubuque, Iowa, assuming the conductivity which you have assumed, and the minimum efficiency required by the Commission's standards?—A. We will say take the center of Dubuque and call it 180 miles, does that suit you all right?

Q. Yes.—A. Of course WIND uses a directional antenna and I am not certain what the radiated power is toward Dubuque.

126 Q. You are somewhat familiar with that pattern, are you not?—A. I don't know anything more about it, except I understand it to be a directional antenna. I haven't any idea of the degree.

Q. Is it your general understanding that the direction of the maximum signal is in the general direction toward Dubuque?—A. No; it is not. It is my understanding it is toward Chicago.

Q. Wouldn't that fall in the line of Dubuque, if that is correct?—A. No; I don't think it would. You cannot tell angles on this map I have, but it certainly would not be in that direct line.

Q. At any event, that would not be in the direction of the minimum suppression of that antenna?—A. I am not certain. I would not want to answer that without a map that correctly shows angles. You can very easily make a big error by using any other type of map.

Q. For the purpose of my question assume a nondirectional antenna, and give us an estimate, please?—A. It is estimated to be somewhere around three-tenths to four-tenths millivolts per meter.

Q. And what does the exhibit show as the actual measurement in the center of Dubuque?—A. Well, I do not think the center is strictly a favorable comparison there, because you know you will get shadowing effects in the center of the city.

Q. What is the measurement at any of the points in the city?—A. 137 on the east city limits.

Q. In your opinion as an expert, what time of the day, approximately, do nighttime conditions begin to appear in the summer time, say, in July?—A. That depends upon the distance from the station. If you were nearby there would not be any difference, and if you were at an extreme distance there would be a great deal of difference, and in between would be between those limits.

Q. Let us take an example, what is the distance from Toledo to Dubuque?—A. 368 miles.

Q. At a distance of 368 miles, what time of day in July would you expect nighttime conditions to become apparent?—A. Sunset would occur at around 7:45 p. m., so I would expect some slight difference to occur possibly an hour sooner, or possibly even two hours; that is, a very slight difference, an hour or two before sunset.

127 Q. It is possible that nighttime conditions begin to appear as early as two hours before sunset, in July?—A. Yes; to some slight degree.

Q. Now, take the month of December?—A. The month of December, sunset would be around 4:30 p. m., so it would occur an hour or two previous to that.

Q. You are speaking of the time at Dubuque?—A. Yes.

Q. And not at Toledo?—A. That is right.

Q. Coming back to Mr. Burch's testimony again, you heard him testify, did you not?—A. I did.

Q. With reference to the 1340 frequency?—A. Yes.

Q. That he had measured it as late as 6:15 to 7:00 o'clock in July?—A. Yes.

Q. And is it your opinion that there would be no signal measurable there from WSPD at that time?—A. Yes; that could very easily be the case.

Q. On one particular instance only, but it would not be the general condition?—A. I think it would be. It is certainly within reason that such a condition would exist.

Q. Under nighttime operating conditions what signal intensity would you expect WSPD to deliver in Dubuque?—A. What has nighttime to do with it? This is a daytime application.

Q. I am asking you the question.—A. I would object to that.

Mr. LOVETT. I see no materiality to that, Mr. Examiner.

Mr. ROLLO. Are you objecting to my question?

Mr. LOVETT. Yes; I will make that objection.

Mr. ROLLO. I think it is material in view of the testimony the witness has given that nighttime conditions begin to appear as early as two hours before sunset.

The EXAMINER. What is the objection?

Mr. LOVETT. It is on the ground that it is immaterial for the reason this application is for daytime operation.

The EXAMINER. Of course, Mr. Rollo, you understand this is a daytime application only.

Mr. ROLLO. I understand that, but the witness has testified that nighttime conditions would begin to appear as early as two hours prior to sunset at Dubuque.

The EXAMINER. Is that correct, Mr. Barron?

128 The WITNESS. That is not strictly true. I said the nighttime factor would start to be noticeable as early as two hours before sunset.

The EXAMINER. I think it would be competent then. The objection is overruled.

By Mr. ROLLO:

Q. Will you please answer the question?—A. Using the allocation curve derived from the Commission's table of recommended separations, it would be around 200 microvolts per meter for the nighttime interference value. That, of course, does not have any bearing direct on the late afternoon conditions.

Q. You said 200 microvolts, did you?—A. Yes.

Q. Do you have available the C. C. I. R. Curve?—A. Yes; I do.

Q. What would be the signal on the basis of that curve, exceeding 10 percent of the time?—A. Which hour will you have, the second hour after sunset or the first one?

Q. Let us take the second hour after sunset, to be fair?—A. That would show about 250 microvolts per meter.

Q. In the month of December, what was the time of day you testified that nighttime conditions would begin to become apparent?—A. Between 2:30 and 3:30 p. m.

Q. At Dubuque?—A. Yes. Of course, an interferring signal being apparent and being a serious source of interference are two different things.

Q. To what extent would a 200 microvolt signal limit the proposed station?—A. It would limit it to the 4 millivolt line based upon assumed nighttime operating conditions.

The EXAMINER. How far out would that be?

The WITNESS. It would be around 16 miles.

The EXAMINER. All right, go ahead.

By Mr. ROLLO:

Q. Did you assume 5 kilowatt operation by WSPD or 1 kilowatt?—A. I used 1 kilowatt because that is their nighttime power.

Q. Assume 5 kilowatts at WSPD, and give us according to this last curve what the signal would be 10 percent of the time
129 in Dubuque?—A. What is the use of assuming something they cannot operate with. They cannot have 5 kilowatts.

Q. Will you just answer my question.—A. It is the square root of the other figure I gave you, 2.24 times the other figure.

Q. You gave 250?—A. Yes.

Q. And 2.24 times 250 would be how much?—A. 560.

Q. 560 microvolts, a. 1 to what extent would that limit a station in Dubuque?—A. That would limit it at night to the 11.2 millivolt per meter contour.

Q. What distance would that be from the transmitter?—A. That would be about eight miles or so.

Q. Referring to your Exhibit 9, the tabulation of population, you have included it down to the 100 microvolt contour, have you not?—A. I have.

Q. And on your Exhibit 10, have you included the stations rendering service down to that point?—A. No; I have not.

Q. That would add a number of stations if that were done, would it not?—A. It would add stations within the 100 microvolt line; yes.

Q. And they appear on the list of measurements made by Mr. Burch, do they not?—A. Yes; all stations above 100 microvolts per meter were measured by Mr. Burch.

Q. You testified that WMAQ and WMT were the only two stations serving the entire area to be served by the proposed station, is that correct?—A. The entire rural area.

Q. Where the measurements of WMT on which you based that statement, based on 2½ kilowatt operation or 5 kilowatt operation?—A. I believe I will have to consult my associate Mr. Burch, on that.

Mr. BURCH. It was 2½.

By Mr. ROLLO:

Q. If they have increased their power to 5 kilowatts, it will be correspondingly stronger over the area?—A. Yes; it will increase the signal by 41 percent.

Q. There are a number of stations serving portions of the area, are there not; that is, portions of the area that would be served by the proposed station?—A. You mean portions of the five-tenths contour; yes, there are a number of stations that do serve a portion of that contour.

130 Q. What value at a mile unattenuated did you assume for your proposed radiator in drawing your contour?—A. I assumed 173 millivolts per meter.

Q. Is that per kilowatt?—A. Yes; for one kilowatt, and multiplying that by .707 for 500 watts, it is 122 millivolts per meter as the actual value used.

Q. Have you discussed with the applicant this question of short wave equipment to be used for remote control work?—A. Yes; I have.

Q. What types of stations do you have in mind?—A. I have in mind one of those portable transmitters that a man can carry around on his back and make short-distance contacts with the nearest telephone line.

Q. To be operated on the ultra-high frequencies?—A. Yes.

Q. What is the maximum distance you can effectively cover on those frequencies?—A. It depends on the power, of course.

Q. Assuming the pack transmitter you described?—A. With a portable transmitter possibly five or possibly ten miles.

Q. Centainly no more than ten miles?—A. Depending on the power, of course.

Q. What would be the maximum power you would expect to get out of a pack transmitter?—A. One carried around on the back would be limited to a few watts.

Q. Is a few watts power which you have in mind something like 5 watts?—A. Yes; something like that.

Q. Would 5 watts carry 10 miles on the ultra-high frequencies?—A. Sometimes it would, but you might have to cut down to five miles in some cases, depending on the receiving conditions a good deal.

Q. Under no circumstances would you expect to get a larger covering?—A. Yes; under better than average conditions at the reception point.

Q. In your opinion, what would be the maximum distance you could have under any circumstances?—A. I would say 15 to 20 miles for that amount of power.

Mr. ROLLO. That is all.

The EXAMINER. Have you any questions, Mr. Berry?

Mr. BERRY. I have just one question I want to ask, I believe.

The EXAMINER. All right, you may proceed.

131 Cross-examination by Mr. BERRY:

Q. Mr. Barron, you stated the distance you would expect good service rendered on this proposed station was how many miles?—A. I didn't state that, but one of the exhibits showed it.

Q. How many miles out would you expect good service, as far as 35 miles?—A. 35 miles for what is termed good rural service.

Q. What would be the signal strength you would expect at that distance?—A. 500 microvolts per meter.

Q. Did you determine the conductivity of that area and if so, what was it?—A. Yes; I calculated the conductivity towards the east and west from measurements made of WKBB and found same to be very close to the 1x10 to the minus 13nth.

Mr. BERRY. That is all.

The EXAMINER. Have you any questions, Mr. Johnston?

Cross-examination by Mr. JOHNSTON:

Q. Mr. Barron, there is an hour's difference in the time at Toledo and Dubuque, is there not?—A. Yes; there is.

Q. And the station at Toledo would operate an hour beyond sunset at Dubuque, would it not?—A. No; it would cease operation when it was sunset at Dubuque.

Mr. JOHNSON. That is all.

Mr. ROLLO. I have one more question.

The EXAMINER. You may proceed.

By Mr. ROLLO:

Q. What type of amplifier is proposed to be used in the transmitter of the Telegraph-Herald application?—A. I cannot state that offhand, but I think it shown in the application. Of course, the equipment has to be approved by the Commission, and that is about the only thing to worry about.

I see the application does not show it, but it says such petition is on file with the Commission, and I do not recall the type of output circuit.

Mr. ROLLO. That is all.

132 Mr. LOVETT. I would like to ask one more question.

The EXAMINER. Proceed.

Redirect examination by Mr. LOVETT:

Q. Mr. Barron, if the applicant did use a short-wave transmitter in broadcast pick-up service, such as an automobile service, how far would that operate satisfactorily?—A. By that you mean a transmitter set on a truck with higher power?

Q. Yes.—A. You could cover from 30 to 40 miles easily.

Q. Do you know whether or not that is also contemplated by the applicant?—A. That is being contemplated; yes.

Q. In connection with the 5-watt transmitter which you have just mentioned?—A. Yes.

Mr. LOVETT. That is all.

The EXAMINER. The witness will stand aside. At this time we will take a recess until one-thirty o'clock.

(Whereupon at 12:00 o'clock noon a recess was taken until 1:30 o'clock p. m.)

AFTERNOON SESSION

(The hearing was resumed at 1:00 o'clock p. m., pursuant to taking of the recess.)

The EXAMINER. We will proceed with the hearing, if you are ready.

By agreement of counsel the testimony of the protestant the Telegraph-Herald Company begun on Thursday, July 14, 1932, in a hearing before the Federal Radio Commission at Washington, D. C., Docket No. 1693, shall become the record in the consolidated hearing in Dockets Nos. 3967 and 4031 and be considered by the Commission as a part of the testimony in said consolidated cases.

You may proceed; call your next witness.

Mr. LOVETT. That concludes our testimony.

Mr. ROLLO. I understood when we left at noon, Mr. Barron was still on the stand, and did not know that he had been excused, and I have just one question to ask. May he be recalled for that purpose?

The EXAMINER. Yes; you may recall Mr. Barron.

133 Whereupon JOHN H. BARRON was recalled as a witness and testified further as follows:

Cross examination by Mr. ROLLO:

Q. Mr. Barron, in your testimony this morning in reference to the relay stations on the ultra-high frequencies, what frequency band did you have in mind?—A. I was thinking in terms of the frequency bands above 30 megacycles.

Mr. ROLLO. That is all.

The EXAMINER. The witness may stand aside and you may call your first witness, Mr. Rollo.

Mr. ROLLO. I will call Mr. Page.

Whereupon E. G. PAGE was called as a witness on behalf of WKBB, having been first duly sworn, was examined and testified as follows:

Direct examination by Mr. ROLLO:

Q. State your name.—A. E. C. Page.

Q. Where do you reside?—A. Evanston, Illinois.

Q. What is your profession?—A. Consulting engineer.

Mr. ROLLO. I offer Mr. Page as an expert witness, shall I qualify him?

The EXAMINER. Is there any question about his qualifications?

Mr. BERRY. None, so far as we are concerned.

The EXAMINER. He has appeared here before this Examiner, I think, on more than one occasion, and if there is no controversy about it, we will let the record show his qualifications are waived.

Mr. LOVETT. We concede his qualifications.

The EXAMINER. You may proceed, Mr. Rollo.

By Mr. ROLLO:

Q. Mr. Page, have you been engaged by Sanders Bros. Radio Station, the licensee of radio station WKBB, to make a field intensity survey and do the other work in connection with the pending application?—A. Yes; I have.

134 Q. Did you make a field intensity survey of Station WKBB?—A. Yes; on April 7th and subsequent days I made field intensity measurements at WKBB.

Q. Have you tabulated those measurements?—A. Yes; they are tabulated in this list.

Q. I show you what has been marked WKBB Exhibit No. 4 and ask you to state what that is.—A. That is a list of the field intensity measurements, given the number, the kind, the location, and the intensity measurement on April 7th, 1936.

Q. I now show you what has been marked WKBB Exhibit No. 5, and ask you to state what that is.—A. This is a list of the field intensity measurements made on April 8th, 1936, of WKBB in the Dubuque area.

Q. Tabulated in the same manner?—A. Yes; tabulated in the same manner as the first.

Q. I show you what has been marked Applicant's Exhibit 6, will you please state what that is?—A. This is field intensity measurements made of WKBB on April 9th, 1936, tabulated in the same manner as the first.

Q. I show you what has been marked WKBB Exhibit No. 7, and ask you to describe it.—A. Exhibit No. 7 shows the field intensity measurements made of WKBB in the Dubuque area on April 10, 1936, and tabulated as previous ones have been.

Q. I now show you what has been marked WKBB Exhibit No. 8 and ask you to describe it.—A. This is a map showing the locations of certain of these field intensity measurements, as it is very difficult to refer to them by a verbal description, and the numbers on the map correspond with the measurement numbers on the list which have been referred to, and the lists refer to the numbers on the map.

Q. Do these tabulations you have identified present a correct tabulations of the measurements made by you?—A. They do.

Q. And these tabulations were made by you?—A. They were.

Mr. Rollo. Mr. Examiner, I now offer in evidence Exhibits 4 to 7, Applicant WKBB, inclusive.

The Examiner. Exhibit 4 to 7 inclusive of WKBB are admitted in evidence.

135 (The documents referred to were received in evidence and marked "Exhibits 4, 5, 6, and 7, Dockets 3967 and 4031," and are filed with the transcript in possession of the Commission.)

Mr. Rollo. I also offer in evidence WKBB Exhibit No. 8, being a map which the witness just described in conjunction with the measurements.

The Examiner. WKBB Exhibit No. 8 is admitted in evidence.

(The map referred to was received in evidence and marked "WKBB Exhibit No. 8, Dockets 3967 and 4031," and is filed with the transcript in possession of the Commission.)

By Mr. Rollo:

Q. Mr. Page, I notice that you have another line on this map that you have not described; what is that?—A. That is the approximate 7 millivolt per meter contour of WKBB based upon field intensity measurements made during this survey, showing the general shape of the field distribution in the immediate vicinity of Dubuque.

Q. I show you what has been marked WKBB Exhibit No. 9, and ask you to describe it.—A. That is a United States Geological Survey map of the area surrounding Dubuque, Iowa, on which are shown the one-half millivolt contours of WKBB, operating with its licensed power of 250 watts, based upon the measurements made in the survey of April 1936, the measurements which have just been submitted as exhibits 4 to 7. The inner circle is the computed 2 millivolt per meter contour for a power of 100 watts, which would be the nighttime operating condition of WKBB.

Mr. LOVETT. On what type of antenna is that based?

The WITNESS. These are measurements of WKBB operating with their present antenna system, which is the same as they had on April 9th and the subsequent dates during the survey.

By Mr. ROLLO:

Q. Was this map prepared by you?—A. It was.

Mr. ROLLO. I offer the map in evidence as WKBB Exhibit No. 9.

136 The EXAMINER. WKBB Exhibit No. 9 is admitted in evidence.

(The map referred to was received in evidence and marked "WKBB Exhibit No. 9, Dockets 3967 and 4031," and is filed with the transcript in possession of the Commission.)

By Mr. ROLLO:

Q. I do not believe I understood your testimony as to the 2 millivolt contour; what does that represent?—A. The 2 millivolt contour represents the limit of the nighttime service area of WKBB.

Q. At its present location?—A. Yes; at its present location.

Q. I show you what has been marked WKBB Exhibit No. 10, and ask you to describe it.—A. This exhibit is a map of the calculated field intensity contours of WKBB operating on a power of 250 watts for the outer contour, which is the calculated one-half millivolt contour.

This calculation assumes a new location for the station about 3 miles south of the center of the city of Dubuque, and is based on the conductivity observed and calculated as the result of the survey of April 9th and the subsequent days.

It assumes an antenna 250 feet high operating at 48-one-hundredths wave lengths, which will deliver an unattenuated field of 225 millivolts per meter per kilowatt input at a mile.

The inner contour is the calculated 2 millivolt contour for a power of 100 watts in the same antenna.

Q. Are you prepared to state that is correct as you have described it?—A. Yes, sir.

Q. And was the map prepared by you?—A. Yes; it was.

Mr. ROLLO. I offer this map in evidence as WKBB Exhibit No. 10.

The EXAMINER. WKBB Exhibit No. 10 will be admitted in evidence.

(The map referred to was received in evidence and marked "WKBB Exhibit No. 10, Dockets Nos. 3967 and 4031," and is filed with the transcript in possession of the Commission.)

137 By Mr. ROLLO:

Q. In connection with Exhibit No. 10, Mr. Page, I call your attention to the fact that the half-millivolt contour which you stated on Exhibit No. 10 will be delivered by WKBB as proposed is slightly larger than the half-millivolt contour as shown in Mr. Barron's exhibit which was introduced this morning. Will you explain what reasons there may be, if any, for that apparent discrepancy. That is a larger service from 250 watts than from a 500-watt station?—A. Mr. Barron has assumed a conductivity, he testified, of 10 to the minus 13nth emu, and has based his predicted intensities on that conductivity. That is slightly different than the conductivity I computed based upon the 142 measurements I made in the area. The average conductivity which I have used in drawing my conclusions of the calculated contours in my exhibit are based on a maximum conductivity of 1.6 times 10 to the minus 13nth emu, and a minimum of .95 times 10 to the minus 13nth emu, which accounts for a certain difference in the two maps.

Mr. Barron has assumed an antenna delivering an unattenuated field of 122 millivolts per meter at a mile for his power of 500 watts. The antenna which we proposed to install will deliver a field of 112½ millivolts per meter at a mile unattenuated value for 250 watts power.

Q. On the assumptions you have made, as you have just described them, what would you expect the proposed station of the Telegraph-Herald to have in this area of a half-millivolt contour, in terms of miles?—A. Using the values for conductivity that I have found, I would expect that the Telegraph-Herald station would have a radius of about 6 to 7 miles greater than the one which is indicated on my map for WKBB, and not smaller as it is shown on Mr. Barron's exhibit.

Q. Will you tell us in miles what the average radius is for the half-millivolt contour of WKBB as proposed by this application?—A. The average radius of the half-millivolt contour for WKBB operating in its proposed location with the proposed antenna will be about 32½ miles.

Mr. BERRY. What station is that?

138 The WITNESS. WKBB, operating in a new location three miles south of Dubuque with a 250-foot vertical radiator.

The EXAMINER. That is the site set out in the application?

Mr. ROLLO. The application does not state a definite site, and this is to justify this tentative site.

By Mr. ROLLO:

Q. In connection with the tentative site, have you been authorized to conduct a regular location survey before determining on a definite site in the event the application is granted?—A. I have.

Q. And that will be done?—A. Yes.

Q. What radius in miles would you expect from the Telegraph-Herald station to its half-millivolt-per-meter contour?—A. Approximately 39 miles.

The EXAMINER. In other words, there is a variation in coverage of about 7 miles?

The WITNESS. About that.

Mr. BERRY. Four to seven, is it not?

The WITNESS. It is 32½ to about 39. Of course, you understand the contour shape is irregular.

By Mr. ROLLO:

Q. In plotting the expected contours on Exhibit 10, what conductivity value did you use?—A. The valuation between 0.9 times 10 to the minus 13nth, and 1.6 times 10 to the minus 13nth emu.

Q. Does that account for the slightly irregular pattern?—A. Yes, sir.

Q. Can you tell me now, comparing Exhibit No. 9 which is the present coverage, and Exhibit 10 which is the expected coverage of WKBB, approximately how much of Grant County, Wisconsin, now receives service from WKBB?—A. Yes; it is approximately one-seventh of Grant County.

Q. What percentage of the county will be served under the proposed operation?—A. About one half.

Q. Will you make that same comparison of the other five counties which have been discussed in this hearing, namely, Jo Daviess County in Illinois, Jackson County, Dubuque County, Delaware County, and Clayton County in Iowa?—

139 A. Approximately one-sixth of Lafayette County is now being served by WKBB with a signal of half a millivolt or more, and approximately one-half of Lafayette County will receive the same grade of service with the proposed antenna and location.

Approximately one-third of Jo Daviess County now receives service from WKBB of a half millivolt or more. Approximately three-quarters of Jo Daviess County will receive the same grade of service with the proposed antenna and location.

None of Carroll County, Illinois, now receives service of a half millivolt or more from WKBB, and approximately one-tenth of Carroll County will receive such service with the proposed antenna and location.

Approximately five-ninths of Jackson County, Iowa, now receives service of a half millivolt or more from WKBB. Nine-tenths of Jackson County will receive service of a half millivolt or more with the proposed antenna and location.

About one-sixth of Jones County now receives service of half millivolt or more from WKBB. Approximately half of Jones County will receive service of half a millivolt or more with the proposed location and antenna.

WKBB now has a signal of a half millivolt or more over nine-tenths of Dubuque County and will serve the entire county with a half millivolt or more with the new location and antenna.

About one-fiftieth of Clayton County now receives service of half a millivolt or more from WKBB and approximately one-seventh of Clayton County will receive service of a half millivolt or more from the new location and new antenna.

None of Delaware County now receives service of half a millivolt or more from WKBB, and a little better than two-fifths of Delaware County will receive service of half a millivolt or more from the new location and new antenna.

Q. That takes care of all the surrounding counties?—A. I believe it does, unless I have missed Clinton County. None of Clinton County is now receiving service from WKBB of half a millivolt or more, and approximately one-fourth of Clinton County will receive such service with the new location and new antenna.

140 Q. This application proposes a move, as you have testified, can you tell us about how far it is in miles from the present location of WKBB to the tentative site which you have described?—A. It is approximately two and one-half miles.

Q. Would that move deprive any portion of the present service area of WKBB within its half-millivolt-per-meter contour of any service?—A. No, sir.

Q. So that all of the area now receiving service from WKBB would still get service under the proposed move?—A. All of the area now receiving service of a half millivolt per meter or more will receive the same or better service if the proposed change is made.

Q. Have you made a calculation of the population residing within the contours shown on Exhibits 9 and 10?—A. Yes.

Q. I now show you what has been marked WKBB Exhibit 11, and ask you to tell us what it is?—A. This is a tabulated list of the population residing within the various contours of WKBB under present conditions and under the proposed conditions; that is, when the new antenna and new location are established.

The population residing within the half-millivolt contour daytime at the present location is 94,986 inhabitants.

Q. In addition to the population estimate, is there any other information contained on the exhibit?—A. There is a list of counties in Iowa, Wisconsin, and Illinois immediately surrounding the city of Dubuque, their population is taken from the 1930 census, volume 1, and the approximate distance to the center of the county from Dubuque and to the extreme edge of the county from Dubuque, are shown.

Q. With reference to that list or tabulation, keeping in mind the radius that you testified to that the Telegraph-Herald would be expected to cover with the half millivolt or better, can you tell us which counties would receive service in their entirety from that proposed station?—A. Dubuque County, possibly Jackson County, and possibly Jo Daviess County, Illinois, would receive complete coverage of a half millivolt or more from the proposed station of the Telegraph-Herald.

Q. Was this exhibit prepared by you?—A. It was.

Q. Is it correct?—A. It is.

441 Mr. ROLLO. I offer in evidence WKBB Exhibit No. 11.

The EXAMINER. WKBB Exhibit No. 11 will be admitted in evidence.

(The document referred to was received in evidence and marked "WKBB Exhibit No. 11, Dockets Nos. 3967 and 4031," and is filed with the transcript in possession of the Commission.)

By Mr. ROLLO:

Q. What factors did you consider in determining upon the tentative location you have described?—A. The tentative location is in an area to the south of Dubuque where the field intensity measurements made show that the conductivity was as high as any experienced in the area. The soil is of Miami silt loam deep phase. Although the underlying hills are rock, still the thickness of this loam makes the conductivity good.

There are a number of open locations on which there is sufficient level ground to install a proper ground system.

The general site under consideration is far enough from Dubuque so that only a very small percentage of the inhabitants will lie within the so-called blanket radius of the station.

Q. Did you also make a study of the soil map in obtaining your information?—A. I made a study of the Department of Agriculture's soil map for the Dubuque area, including this location, and made a personal inspection of the territory, as well as information I gathered during observations while making actual field measurements of the entire survey.

Q. Will you describe the antenna and ground system proposed by the application of WKBB?—A. The proposed antenna is a Truscon vertical radiator, 250 feet above ground. Previous ex-

perience with this type of radiator and measurements of this type of radiator show that it will have an electrical length of approximately 48-one-hundredths of a wave.

Such an antenna will produce unattenuated fields of 225 millivolts per meter at a mile per kilowatt input, or 112½ millivolts per meter at a mile for 250 watts.

Q. What would the ground attenuation be at a mile for 100 watts operation?—A. 71 millivolts per meter.

142 Q. What is the present antenna efficiency of WKBB?—A. I measured the resistance and reaction of the present antenna and also current flowing in the antenna, and I find that the present power in the WKBB antenna was 270 watts.

A number of measurements were made at distances within two miles to three miles of the antenna, and as the result of these measurements I was able to compute intensity value at a mile per kilowatt, and that value is 119 millivolts for the present WKBB antenna.

Q. That 119 millivolts per meter is comparative with the 225 millivolts per meter you testified of the proposed antenna?—A. That is right. The ground system will be 100 radials of one-inch copper ribbon, 250 feet long, equally spaced and buried radially, the antenna at the center, and also a 30-foot square ground screen immediately below the radiator to reduce the ground losses.

Q. Is it the plan of the applicant to use its present transmitter?—A. Yes; it is.

Q. Will you give us the engineering reasons for the proposed move?—A. The present site of the transmitter of WKBB from an engineering standpoint is a very poor one. It is located on the top of a rocky cliff at the edge of the Mississippi River. The soil on top of this cliff is of a sand or sandy loam type, which is known to have very poor conductivity.

The spot is so rough that it would be impossible to put in an adequate ground system and there might even be some difficulty in erecting a tower at that site.

Being located at an abrupt change of type of terrain, such as on a cliff along the Mississippi River, there would be undoubtedly considerable attenuation in any direction along this cliff where there is a changed media sharply from the river soil to the cliff, and vice versa.

Measurements made along the river and along the cliff show the attenuation to be very high. Measurements over on the Iowa side of the river in the country immediately to the south of Dubuque show the attenuation to be low.

Considerable improvement in the efficiency of the station could be realized by locating in this area of low attenuation.

Q. What have you to say with reference to the density of population to be served as between the two locations, the
143 existing one and the proposed location?—A. There is very little change in the distance from the center of population. The curve produces a rotation of the station around the center of population rather than much of a change with reference to such center.

Q. In addition to the measurements you made on WKBB, did you make any other field intensity measurements?—A. Yes; I did. I measured the service available in the city of Dubuque on April 9th.

Q. I now show you what has been marked WKBB Exhibit No. 12, and ask if that is a tabulation of the measurements you made at Dubuque?—A. This is a tabulation of the measurements made at Dubuque April 9th and represents all of the service in the broadcast band which I could measure at that time. The call letters of the stations, the frequencies and intensity in millivolts per meter are listed.

Q. When were these measurements made?—A. These measurements were made at noon; that is, the first measurement commenced at noon and the elapsed time was about an hour.

Q. Does this exhibit represent a correct tabulation of the results of your measurements?—A. It does.

Q. Was it prepared by you?—A. It was.

Mr. Rollo. I offer in evidence at this time, WKBB Exhibit No. 12.

The Examiner. WKBB Exhibit No. 12 is admitted in evidence.

(The document referred to was received in evidence and marked "WKBB Exhibit No. 12, Dockets Nos. 3697 and 4031," and is filed with the transcript in possession of the Commission.)

By Mr. Rollo:

Q. As the result of your observations of the service received in Dubuque, what have you to say on that subject?—A. In general the service received in Dubuque, in the Dubuque area, is average for the midwest part of the country. It receives service comparable with most other communities in Iowa. I would say that the service was about average.

The city of Dubuque does not receive any signal of 10 millivolts or more except from WKBB, but I believe Mr. Barron covered that.

144 The Examiner. Does it receive primary service from any other station than WKBB?

The Witness. Yes; it does.

The Examiner. I wish you would name the stations and give their locations.

The WITNESS. According to my measurements, it is in the primary service area of WHO, WJN, WMAQ, and WMT. All of those stations have a signal of 500 microvolts or more per meter. I excepted WKBB, but, of course, it is within the primary service area of WKBB.

By Mr. ROLLO:

Q. Have you inspected the present site of WKBB thoroughly?—A. Yes; I have.

Q. Is it at all possible, in your opinion as a radio engineer, to construct an efficient antenna at that location—an efficient radiating system?—A. No; it is not possible to construct an efficient radiating system at the present location without undue and elaborate filling in, and even if that were done, you still have the fact that located on the cliff along the river severe attenuation will occur.

Q. Would there be any disadvantage to moving the station into Illinois a few miles, or north in Illinois, rather than into Iowa?—A. I find that the conductivity in those portions of Illinois is not as good as the conductivity on the Iowa side. The soil type is somewhat different. Electrically I should say that the results would not be quite as good.

Mr. ROLLO. That is all, you may cross-examine.

The EXAMINER. You may cross-examine, Mr. Lovett.

Cross-examination by Mr. LOVETT:

Q. Mr. Page, did you find any flat country along the Mississippi River in Illinois?—A. Yes, sir.

Q. Wasn't that suitable for your purposes?—A. No, sir; because the flat country along the Mississippi River in Illinois on April 9th it was several feet under water.

Q. That would not necessarily make it disadvantageous for the location of an antenna?—A. That is only one of the reasons.

The soil type along the river on the Illinois side and on the
145 Iowa side as well, is Wabash sandy loam and there are numerous sand deposits. That is not a proper place to locate a radio station, and the river does flood almost all of the flats, that is, the land on both sides of the river.

Q. Would not the effect of that have to be determined by site tests?—A. No; I have made numerous location surveys, and without exception locations over sand are very poor, regardless of whether the sand is moist or dry. The rising and falling of the water there presents a mechanical problem which I think is serious to the erection of an antenna.

Q. Is this a definite proposal which you are making, regarding the transmitter site?—A. Yes, sir; I have recommended the site immediately south of the city of Dubuque.

Q. Do you know whether or not any arrangements have been made for the use of that site in the event it is approved?—A. The site has not been definitely determined. An area there of a mile or so in diameter is the general location where we propose to locate the station. The soil in that area is good and there are numerous good spots.

Q. This point you mention three miles south of the business section is one which you are now definitely proposing, and upon which you are basing your calculations of the covered area?—A. These calculations are based upon that location, but a change of location off half a mile or more, or around a half mile in any direction will not materially affect the results of my computations.

Q. For the purpose of this hearing, this is a definite proposal on your part as to the site for the new transmitter, is that right?—A. Yes, sir.

Q. Will you state whether or not during the time you made these measurements, the flood season was at its height?—A. I don't believe it was at its height, but it was certainly in the flood season.

Q. It was getting there very fast?—A. Yes, sir.

Q. Would not the fact that measurements were made during the flood season have a tendency to result in lower attenuation values resulting from the measurements?—A. Somewhat.

Q. That would probably explain the difference in the conductivity?—A. It would explain some of the difference.

146 Q. I refer you to WKBB Exhibits 9 and 10, and call your attention to Exhibit 9 which showed an appreciable dent in the coverage area in the half and the 2 millivolt contours to the north. I also call your attention to Exhibit 10 which shows an appreciable bulge, if it may be so called, in the half millivolt contour in the same direction, and a regular contour represented by the 2-millivolt line, and ask you to explain why that difference should exist?—A. The predicted contours on this Exhibit No. 10 are based on conductivities which were computed along various radii. The depression in the half-millivolt contour under the present conditions is caused by the fact that the attenuation is higher in this particular area around Platteville. Between Platteville and the Mississippi River, the country rises rapidly toward Lancaster, and the type of soil becomes silt loam and clay, and the conductivity is much better up there, and the result is where you have an initial signal of a much greater value than you have in the present case, of the present coverage, the contour is extended.

Q. Upon what value was the contour to the north on Exhibit No. 9 based, was that based upon theory or upon actual meas-

urements?—A. Upon the actual measurement which you will find in the list. The measurements went out to distances considerably greater than the present one-millivolt contour.

Q. Did you determine the attenuation value at that point?—A. At that particular point?

Q. Yes.—A. No; in making these predicted contours the average attenuation out to the limit of the measurements was used, which I believe is the standard practice.

Q. The average in this direction?—A. Yes, sir.

Q. So, your theory is that there is a comparatively dead spot around Platteville?—A. No; the conductivity in that area is somewhat lower than the surrounding territory. It is quite hilly and stony there.

Q. In Exhibit No. 10, I also notice that the transmitter site is immediately south of the city, so that the signal will have to cross the city. What effect would that have on it?—A. The transmitter site will be considerably higher than the city of Dubuque. In fact, the average level of the city of Dubuque is about 200 feet lower than the average level of the land to the south, and I should not expect serious shadows from the city.

147 Some such shadow undoubtedly will occur, but I do not think that is within the province of a predicted contour to take into consideration minor shadows of that nature.

Q. You did not make your measurements from this point straight north across the city, then?—A. No; the measurements were made from the present transmitter site. We have made no site location survey south of Dubuque by setting up a transmitter site yet.

Q. So that, as a matter of fact, the contour which you have calculated here on Exhibit 10 might vary and not extend as far north as you have shown. Is that correct?—A. It might be. A shadow might be indicated there, although I should not expect a very serious one or a very large one, because of the difference in altitude between the city and the proposed location. The shadow at any rate would not be so great that contour would approach anywhere near the city limits of Dubuque.

Q. Let us assume the proposed Telegraph-Herald station will employ an antenna with an efficiency of 225 millivolts per meter at a kilowatt per mile——

Mr. ROLLO. (Interposing.) I object to that question because it is contrary to the proposed application, and the testimony in this hearing.

Mr. BERRY. Let him go ahead and answer the question, then counsel can cross-examine on it if he desires, but I would like to have his answer to the question given.

The EXAMINER. Objection overruled.

By Mr. Lovett:

Q. Where would the half millivolt contour lie if you used an attenuation value of 1.6 times 10 to the minus 13nth, and that is, of course, with 500 watts power?—A. You are assuming 1340 kilocycles, is that correct?

Q. That is correct.—A. Approximately 45 miles.

Q. You state that at this proposed site is *is* considerably higher in altitude than the city of Dubuque?—A. That is my impression from having been there and just looking at the contour map.

Q. Isn't it true that this general section there would be regarded as hilly?—A. Yes; it is hilly.

148 Q. You stated there are several stations with a primary service covering Dubuque, and you valued that service at 500 microvolts?—A. That is right.

Q. Is it your understanding that is a satisfactory signal for urban areas?—A. No; it is not satisfactory for an urban area. I stated in answer to the Examiner's question that Dubuque was within the primary service area of the stations which I mentioned. The primary service area of a station is limited by its one-half millivolt contour.

Q. So that it would not be highly satisfactory service in the city of Dubuque, but only in the country around it?—A. It would be satisfactory service in the residential area of the city of Dubuque, but not in the densely populated or business sections.

Q. Is 500 microvolts the standard for residential service?—A. No; 500 microvolts is not the standard for residential service where you are considering residential service of large cities. However, in the case of Dubuque, based on personal observations, I would say that it represents a fairly good grade of service, although according to standards, 2 millivolt per meter is required to give satisfactory service in average residential areas.

Mr. Lovett. That is all of this witness.

Mr. Johnston. I have a few questions, Mr. Examiner.

The Examiner. You may proceed.

Cross examination by Mr. Johnston:

Q. Mr. Page, did you make any measurements on the WSPD signal?—A. I tried to measure the signal of WSPD in the daytime at Dubuque, but I could not measure it, because it was below the noise level, seemed to be somewhat below 20 microvolts, and was impossible to measure.

Q. Did you make any nighttime measurements?—A. I did make some nighttime observations—recordings.

Q. Can you state the order of WSPD's signal in that area at night?

Mr. Lovett. Is this at nighttime or late afternoon? I object to nighttime signal.

149 The EXAMINER. The objection will be sustained as to nighttime service.

Mr. JOHNSTON. Mr. Examiner, I notice this is a daytime application, but this morning there was testimony of Mr. Barron estimating the WSPD signal at nighttime in Dubuque, showing that interference might be caused in the early morning and late afternoon hours, and I would like to know what the signal is.

The EXAMINER. If you will frame your question along that line I would not sustain the objection, but if you call it just nighttime service, I think that would have no application to this case.

By Mr. JOHNSTON:

Q. Based on your measurements and your experience and knowledge as an expert radio engineer, would you expect any interference to the proposed Telegraph-Herald station from WSPD at any time?—A. I would expect that there would be some degree of interference experienced within the half millivolt contour of the proposed station caused principally by WSPD in the early morning and late afternoon hours. The frequency and magnitude of such interference will depend upon the season and the sun-spot cycle.

Q. At what season would you expect interference?—A. The interference will probably be of greater magnitude during the winter months as sunset occurs earlier, and the layer has a tendency to form earlier in the afternoon hours.

Q. About what would you expect the extent of that interference to be, and about how long would it exist?—A. That would be rather difficult to estimate. Based upon what I know of the value of their signal several hours after sunset, if I may refer to that, I would say the interference in the afternoon in the winter months during the immediate hour before sunsets could be quite serious on occasions, and the service of this proposed station limited on occasions to its approximate 7 millivolt contour. However, that will not be regular, nor will it occur all of the time.

Q. Would you expect the station at Dubuque to cause any interference to WSPD's service?—A. In view of the fact that WSPD is operating on 5,000 watts in the daytime
150 and reducing power one hour at least, previous to the time the proposed station would sign off, I would expect that some degree of interference would be experienced on occasions within the half millivolt contour of WSPD, but I would not consider that serious.

Mr. JOHNSTON. That is all.

The EXAMINER. Are there any further questions?

Mr. BERRY. I have one or two questions.

The EXAMINER. All right, you may proceed.

Cross-examination by Mr. BERRY:

Q. Mr. Page, what observation did you make up and down the river there for a space of three, four, or five miles?—A. I did not make any observation as far away as five miles, because I am considering the location of a local station which is to operate on a 100 watts, but I did drive up and down the river on both sides, consulted soil maps, and made observations of the condition of the river. I was there at the flood season, and I also made several trips previous to the flood season.

In fact, there was one location considered for the antenna which I thought would probably be satisfactory, and I was told it would not be, and later found out it would not be. It was under about fifteen feet of water in April.

Q. Going back to my question, you say you did not make any observations up and down there four and a half or five miles. That is the question I was trying to get information about?—A. I made observations down the river as far as four miles. Up the river, on the Wisconsin side, was not considered because there is a sharp cliff all of the way up the river and no bottom lands.

Q. Was your survey made for the purpose solely of locating a site, or to determine the signal strength of your station at various points?—A. My survey was made to determine the coverage of the station and to choose a new site in which to locate the station, because the present one was known to be poor and the results not as good as might be expected of such power.

Q. In your quest for a site, just what did you do so far as the search about there was concerned, did you just go
151 down three miles or four miles, or whatever the distance was you went south of Dubuque, or did you go around the city at various other points to determine the location?—A. During the taking of the field measurements I inspected the territory around Dubuque, and I also studied that territory with the aid of a soil map and a contour map, and there were certain areas where likely spots could be obtained.

In the hilly country to the south of Dubuque, for instance, there were sufficient flat open spots to provide a good location for an antenna. There were other locations investigated, that is, observed, and the soil map and contour map studied and the site inspected, but they were not as suitable as the locations to the south of Dubuque, in my opinion.

Q. Is all of that territory immediately adjacent to Dubuque, both on the Dubuque side and on the east side of the river, except the elevation you found, is that all alluvial deposits there from the Mississippi River?—A. Yes, sir.

Q. Is alluvial deposit regarded as fit for the location of the transmission of electro-magnetic signals?—A. It depends upon what the deposit consists of. This particular deposit along the Mississippi in the vicinity of Dubuque has large sandy areas in it, deposits of sand.

Q. Those are sand bars thrown up from the river?—A. Yes, sir; and they extend back to the cliffs.

Q. What I have reference to more especially is the land after you leave the banks of the river. As I understand from your statement the banks are very precipitous there at points?—A. That is correct.

Q. Then, extending on back from the river, what is the character of the soil; is that a deposit from the river?—A. That is a deposit. It is a silt-loam type of soil, and it is the Miami type generally. It covers a layer of stony loam which is almost like a clay, and underneath that lies the limestone bedrock. That Miami silt loam posseses very good conductivity of electro-magnetic waves.

Q. After you move across the river from your present site sending your signal back in the direction from which you propose to move your transmitter and station, what area would there be served on that side of the river from which you
152 are proposing to move, in addition to the town where the site is at present located, that is, what other towns would then fall within your good service area?—A. If I understand you correctly, the increase in efficiency which will be attained by making the move and erecting a new radiator will so extend the half millivolt contour primary service area that it will cover all of the territory now covered by WKBB and more.

Q. Are there any towns over there on that side it will cover, besides the one you are in now?—A. On the Illinois side of the river there is the town of Galena.

Q. Do you happen to have the population of that?—A. I have it right here.

Q. If it is convenient, you can give that for us.

The Examiner. That is the county seat of that county?

The Witness. I believe it is. The population of Galena is 2,878.

By Mr. Berry:

Q. What distance is that from the present site?—A. Eleven and one-half miles to the center of Galena from the present location.

Q. Does your station serve that town now, according to your judgment?—A. The city of Galena now receives a signal of 2 millivolts per meter from WKBB.

Q. And from your proposed site it will receive what kind of service?—A. It will receive a signal of 3 and 3¾ millivolts per meter, about. There is very little change in the distance between the proposed site and the present site to Galena.

Q. Your proposed site is somewhat within a radius of a mile square south of Dubuque; is that right?—A. Yes, sir.

Q. And that is three miles from your present site?—A. Approximately.

Q. And that will put it slightly to the southwest of where your present site is?—A. Yes; about two and one-half miles southwest.

Q. When you send out your signal in the direction of Galena, will that signal be attenuated any from your present site?—A. Yes.

Q. And in what other directions from that proposed site would your signal suffer attenuation?—A. The signal is going to suffer attenuation in all directions from any site. I do not quite understand your question.

153 Q. Let us see if I can make it any plainer. You do not have any particular site within that mile square where you will locate your station; you have selected arbitrarily a place you say is a mile square?—A. The area is approximately a mile square in which it is possible to find a suitable site.

Q. Does it make any difference now from your standpoint as an engineer which place you put it there within that mile?—A. No, sir; very little difference. A location survey would show which spot is the best.

Q. I understood that, and you have not yet determined on the exact point?—A. No, sir.

Q. You are reserving that until after you get the application granted, then you propose to make a survey, as I understand?—A. That is correct.

Q. And any place in there that you have passed over and observed, you say would be satisfactory?—A. Yes, sir.

Q. So far as other towns around there are concerned, have your testified with reference to other towns; you estimated, for instance, what the population would be that would be taken in, and how did you reach that figure as the population?—A. The population figures were estimated in the standard manner.

Q. What is the standard manner?—A. Each county was taken, and the city population subtracted from the entire population. The area surveyed in any area was measured with a planimeter, and that fraction taken of the rural population. Then, such cities as fell within the half millivolt contour in that area was added back in, and that was done for each county and the total for the complete figures was found.

Q. Did your state when this survey was made, and if not, when was it?—A. April 9, 1936, the date when the survey was commenced.

Mr. BERRY. I think that is all.

Mr. ROLLO. I have a few questions on redirect.

Redirect examination by Mr. ROLLO:

Q. With reference to the measurements you made of the service received in Dubuque, what percentage of departure from normal conditions would you expect to be caused by
134 flood conditions?—A. I would expect that during flood conditions there would be somewhat of an increase in conductivity of the soils around there, if that is what you mean.

Q. Would that be much of a difference, or just a slight increase?—A. In my opinion it would be slight.

Q. Do you recall the stations which you enumerated that were delivering primary service to Dubuque?—A. I have them right here.

The EXAMINER. He has named those stations.

By Mr. ROLLO:

Q. What field intensities are those stations delivering?—A. I read that in answer to the previous question.

Q. That is already in the record?—A. Yes, sir.

Q. Is the attenuation in the direction of Galena from the proposed site any greater than any other directions?—A. Yes; that conductivity toward Galena is somewhat lower than the maximum direction. The country in there is very hilly, rough, and of a rocky nature between the WKBB site and the city of Galena.

Mr. ROLLO. I think that is all.

Mr. LOVETT. May I ask a few questions?

The EXAMINER. Yes; you may do so.

Recross-examination by Mr. LOVETT:

Q. You indicated, Mr. Page, I believe, that there would be some degree of interference from WSPD to the proposed Telegraph-Herald station early in the morning and late in the afternoon?—A. Yes, sir.

Q. Will you be a little more definite and tell us how early in the morning?—A. That will vary with the sunrise time. I am sorry, but I do not believe I have the sunrise and sunset tables here. It would probably be as late perhaps as two hours after sunrise, and that will depend upon the time of the year.

Q. What about this time of the year?—A. I am not familiar with the sunrise hours this time of the year.

Q. You say about two hours after sunrise?—A. Yes, sir.

Q. During that entire two hours, or how much of the time?—A. That will depend entirely upon the condition
155 of the layer. It is a very erratic proposition and it would be impossible to predict.

Q. Would you say 10 percent of the time, possibly?—A. It might be that and might be even greater during the hours you mention.

Q. It would be very slight, after all is said and done?—A. I am inclined to believe in the winter it would not be termed slight. In other words, there will be an interfering signal there strong enough to produce interference of an objectionable nature within your half millivolt contour.

Q. To what?—A. Perhaps I should say it this way: I would expect that objectionable interference would exist more than ten percent of the time during those hours in the winter months.

Q. How much more?—A. I would not be able to say that; it is very indefinite, and it has to be so.

Q. So far as late afternoon is concerned, assume local sunset is at 7:15, during what stage would this interference which you think might be objectionable, exist?—A. It would probably commence to be noticed in the hour immediately preceding 7:15.

Q. How long would it be objectionable?—A. I could not be specific in that case either. In order to determine that, measurements would have to be made, recordings would have to be taken of WSPD signal in the Dubuque area. It could be determined, but only through extensive measurements.

Q. Preferably when both stations are in operation?—A. No, sir; preferable when only WSPD was in operation.

Q. By itself on that channel?—A. Yes; so that it could be measured without interference.

Q. That would be rather impossible to measure because of other stations on the channel?—A. We could measure WSPD alone on that channel. The other stations on that channel are somewhat more remote and out of line.

Q. I believe you stated that there would not be objectionable interference caused by the proposed Telegraph-Herald station to WSPD; is that correct?—A. In my opinion, I do not believe there will be.

Mr. Lovett. That is all.

Mr. Berry. Let me ask one further question.

156 By Mr. Berry:

Q. Mr. Page; you have made a lot of surveys around in that country, have you not?—A. Yes, sir.

Q. If you know about what the signal strength of WMAQ would be at say about 25 or 30 miles west of Dubuque, could

you estimate that signal for me?—A. I think there are some measurements here on that.

Q. I will show you Exhibit No. 10; can you tell from that?—A. West of Dubuque, you say?

Q. Yes; that is, the present service.—A. The present half millivolt contour of WMAQ would extend quite a bit west of Dubuque. I would have to know what their field was at a mile in order to give you any absolute value. I have used the WMAQ signal as approximately 1½ millivolts at Dubuque, and based on that measurement, I assume that 40 miles west of Dubuque they would have half a millivolt.

Q. Are there any other stations east of Dubuque that render a similar service across into Dubuque and on the west, that you know of?—A. There is WIBA at Madison and WROK at Rockford that would serve the area east of Dubuque.

Q. How about serving Dubuque and to the west of Dubuque?—A. Dubuque is just outside of the half millivolt contour of WIBA, and it is considerably outside of the half millivolt contour of WROK.

Q. Then, are there any stations that now put down a suitable signal in the city of Dubuque, from an engineering standpoint in the city proper, I mean?—A. Based on the standards of signals necessary to cover city areas, there is only one station supplying the city of Dubuque with satisfactory service, and that is WKBB.

Mr. BERRY. That is all.

Mr. ROLLO. I have just one further question I want to ask.

By Mr. ROLLO:

Q. In your answer to the last question by Commission's counsel, you were referring to the 10 millivolt standard?—A. Yes, sir.

Q. And if the 2 millivolt standard is used, are there any other stations rendering such service?—A. Yes; WMT renders service of 2 millivolts per meter or more over Dubuque.
157 They have recently increased their power so that their service would be increased also.

Mr. ROLLO. That is all.

The EXAMINER. The witness may stand aside.

Mr. ROLLO. If the Examiner please, I would like to request that the Commission's engineer be put on now out of order, for the convenience of my people for one reason, as I would like to have our engineer here during his testimony, and then I think it would also be convenient to have all of the engineering testimony at one place in the record.

The EXAMINER. What have you to say to that, Mr. Berry?

Mr. BERRY. I have no objection to that.

The EXAMINER. Then let the Commission's engineer be called.

Mr. BERRY. I will call Mr. Davis.

Whereupon GEORGE C. DAVIS was called as a witness on behalf of the Commission, was duly sworn, and was examined and testified as follows:

Direct examination by Mr. BERRY:

Q. Will you state your name and occupation?—A. Mr. George C. Davis, engineer in the Broadcasting Section of the Commission's Engineering Department.

Mr. BERRY. Shall I qualify Mr. Davis?

The EXAMINER. Will the qualifications of Mr. Davis be conceded?

Mr. ROLLO. Yes; we concede them.

Mr. LOVEIT. We do also.

The EXAMINER. Let the record show that the qualifications of Mr. Davis as an expert radio engineer are conceded by the parties interested.

By Mr. BERRY:

Q. Mr. Davis, directing your attention first to the application here for the establishment of a broadcast station in Dubuque, Iowa, for operation on 1340 kilocycles, with 500 watts power, I will ask you if the granting of that application involves any question of interference, and if so, state the stations, and if
158 not, answer accordingly?—A. There is one station located at less than the average recommended separation for the assignment requested by the Telegraph-Herald. That station is WSPD operating on 1340 kilocycles with one kilowatt at night, and 5 kilowatts until local sunset, at Cleveland, Ohio, about 378 miles from Dubuque, Iowa. The recommended separation for the assignment requested is 400 miles.

In that case I would not expect objectionable interference to occur to the service of WSPD by the operation of the station here proposed, but during the late afternoon hours I would expect there would be some slight limitation within the normally protected .05 millivolt per meter contour of the proposed station.

Q. What have you to say with reference to the present service to Dubuque and the area involved in this application?—A. I think that service has been very well described by Mr. Barron and Mr. Page.

Q. If you concur with them, there is no use in going over that again. What about the proposed site, if it has been testified to sufficiently for you to determine where it is going to be?—A. That has not been definitely specified and therefore, if the appli-

cation be granted, the Engineering Department would recommend that it be subject to the selection of an approved site.

Q. With reference to the equipment, the transmitter, what have you to say?—A. The proposed transmitting equipment is satisfactory, and the antenna proposed by the applicant is also satisfactory.

Q. With reference to the number of stations in Iowa, in order to determine the question under the recent Act of Congress, how many stations are there in Iowa?—A. There are sixteen broadcast stations now assigned to the State or within the State of Iowa.

Q. And the number of stations in continental United States, have you that?—A. That is about 650 broadcast stations in the United States.

Q. With reference to pending applications involving the questions of interference and service, what have you to say?—A. There is one pending application which is pertinent to the consideration of this one, application B-4P-687 from Clinton, Iowa, requesting operation on 1310 kilocycles, 100 watts, unlimited time.

159 Clinton, Iowa, is about 50 miles from Dubuque, and the recommended separation between assignments such as are requested is 58 miles. However, principally due to the difference on the high frequency and the broadcast band, I would expect no interference within their normally protected contours.

Q. Then there are no applications from Dubuque except these two involved here, one of which is to move into Dubuque?—A. There may be others, but none involving interference. Those are the only two involving interference so far as Dubuque is concerned.

Q. Do you have a list of the pending applications about which you have just been interrogated?—A. Yes; I have a list of pending applications from the State of Iowa.

Mr. BERRY. Mr. Examiner, we offer to file that for the convenience of the Examiner as Commission's Exhibit No. 1.

The EXAMINER. That will be admitted in evidence, as Commission's Exhibit No. 1.

(The list referred to was received in evidence and marked, "Commission's Exhibit 1, Dockets 3967 and 4031," and is filed with the transcript in possession of the Commission.)

By Mr. BERRY:

Q. Mr. Davis, directing your attention to the application of Sanders Bros. radio station of East Dubuque, Illinois, does the granting of that application involve any question of interference, and if so state the stations, and the actual and recommended

separations?—A. There is no problem of electrical interference involved in that case, since the actual separations are in excess of those recommended in each instance.

In connection with that, it is also pertinent to note that the request in this application is for removal of just a few miles.

Q. With reference to the same questions I have asked you about the other application, your answers would be the same with reference to those, would it not, as to the stations and the list of stations you have just filed?—A. Yes; insofar as those items are concerned. The antenna proposed by this applicant is satisfactory, so also is the transmitting equipment.

160 The transmitter site, as specified in the application, is to be determined at a later date, and therefore if this application be granted, the Engineering Department would likewise recommend that it be conditional upon the selection of an approved transmitter site.

There are a number of pertinent pending applications which involve questions of interference. However, those applications also involve interference with the present assignment of WKBB.

Those applications are for operation on 1500 kilocycles, and with the following powers from the following towns.

100 watts, unlimited time, Appleton, Wisconsin, 168 miles from East Dubuque;

100 watts, unlimited time, from Oak Park, Illinois, 152 miles from East Dubuque;

100 watts at night, 250 watts until local sunset, unlimited time, from Joliet, Illinois, 150 miles from East Dubuque;

Another one requests 100 watts, unlimited time, Winona, Minnesota, 118 miles from East Dubuque;

And the last one is from Galesburg, Illinois, requesting operation on 100 watts, specified hours, and that is about 110 miles from East Dubuque.

You will notice I have mentioned the distances from East Dubuque in each case, and that is only about two miles distant from Dubuque, Iowa. In each of those cases the recommended separation for operation at night is 180 miles, and if any of these applications were granted I would expect objectionable interference with the present night operating conditions of WKBB and with those as proposed, but no interference during daytime hours.

Q. Do you have the population figures of Dubuque?—A. The 1930 Census population of Dubuque is 41,679.

The EXAMINER. Is that the metropolitan area?

The WITNESS. No, sir; that is the population within the political limits of Dubuque. I do not have a figure on the metropoli-

tan area, since I understand the Census Bureau compiles that only when that area exceeds 100,000 population.

Mr. BERRY. That is all.

The EXAMINER. You may cross-examine.

161 Cross-examination by Mr. ROLLO:

Q. Mr. Davis, can you tell us for the record what is the latest hour and earliest hour of sunset at Dubuque during the year?—A. Will East Dubuque be satisfactory?

Q. Yes.—A. In Central Standard Time the earliest hour is 4:30 p. m., occurring in December, and the latest hour is 7:45 p. m. occurring in June and July. That is accurate within seven and one-half minutes.

Q. I think during your absence from the room Mr. Barron testified he had in mind in his testimony regarding the ultra-high frequency relay stations, a frequency above 30 megacycles. Of this frequencies available for relay work, what in your opinion would be the maximum distance they could be efficiently operated?—A. On those ultra-high frequencies above 30,000 I do not think they would get satisfactory relay service at a distance much greater than five or six miles. There are other bands available in the lower frequencies where greater coverages are available.

Mr. ROLLO. That is all.

Cross-examination by Mr. LOVETT:

Q. On what power are you basing your estimate?—A. The usual relay station signal does not use much more than five or ten watts, and if greater distance coverage than that is desired, those frequencies are not used, there are other frequencies that are available, as I say.

Q. How far would the other frequencies carry?—A. With the power that is ordinarily used and the equipment, they would cover 30 to 40 miles, possibly.

Q. You indicated that there might be objectionable interference from WSPD to the signal of the proposed Telegraph-Herald station in the late afternoon hours?—A. That is right.

Q. Would you state how serious that interference would be, and as to what contour it would curtail the service of the proposed station?—A. Based on the interference curves of the Engineering Division, that would be just slightly in the half
162 millivolt contour. It probably would not extend in the sixth-tenths millivolt contour, and as I say, it would be just slightly within that contour.

Q. Are those curves based on 1,000 kilocycles?—A. No; at such distances it is rather independent of the frequency.

Q. Would not the distance of 30 or 40 miles have an effect on it?—A. It has an effect on the coverage of the station, but does not have an effect on the sky wave then being involved, as compared to a thousand kilocycles.

Q. Is not the estimate which you have made based upon the interference 10 percent of the time?—A. That is based upon interference 10 percent of the daytime hours, is my understanding of it.

Q. During which you think interference would exist at all?—A. Yes; that is the specific basis upon which we discuss the allocation.

Q. If based upon 10 percent, how many minutes during the late afternoon would you say this interference might be expected to occur?—A. That might be rather serious, if we take 10 percent of a 10-hour day, assuming in the fall or spring 600 minutes, 10 percent of that is 60 minutes.

Q. Is there not a greater portion of the day when you are certain there would be no interference whatsoever?—A. There would be no interference of that nature, but if you wish to discuss 10 percent of daytime interference, that would be one thing, and when we discuss 10 percent during the last hour before sunset, that is something else, and the intensity in which it would occur would probably be somewhat higher than I have indicated.

It is a very difficult situation to describe accurately in words. The interference changes rapidly from one value to the other, and it is not quite so simple as the multiplication table.

Q. Will you state whether or not it is a fact that if this interference would occur which you state might occur, it would be limited to a small area?—A. The portion of the total service area would be very small; yes.

Q. It would be a sector of the proposed service area in the direction of Toledo?—A. If we are going to break it up into parts toward Toledo and away from Toledo, we will have to
163 specify some definite values on either side, and it gets down to the point of going into too small detail for the interference involved.

Q. It is not very serious?—A. Within the standards of the department, it is classified as objectionable interference certainly within the half millivolt contour, just what I started out with.

Q. Is your estimate based upon nighttime curves?—A. No; it is not based upon nighttime curves, it is based upon a curve which was believed and is believed to represent conditions as recorded from observations made at the time of the coverage of the stations and in order to give the reasonable protection for the 10 percent of the daytime hours to stations on the same frequency,

and at some distances it is particularly pertinent to adjacent frequencies also.

Q. Is it not an empirical curve?—A. It is an empirical curve, but it is based upon measurement data.

Q. Measurement data as to daytime and as to nighttime?—A. Yes; observations were made both daytime and night in order to determine the various interference curves that were used as a basis for the recommended separations.

Q. And you arrived at an empirical curve for the late afternoon hours?—A. The department did.

Q. What is the nearest station to WKBB which is now operating on 1,500 kilocycles?—A. A station at Muskegon, Michigan, WKBZ, 100 watts night, 250 watts until local sunset, and that is about 225 miles from Dubuque.

Q. To what field intensity do you anticipate this station would limit Station WKBB during daytime?—A. I do not know, but certainly well outside the 2 millivolt contour. I have not calculated it.

Q. Would you calculate that?

Mr. ROLLO. Will not the answer to that question involve antenna efficiency of that station?

Mr. LOVETT. Assume the average efficiency.

Mr. ROLLO. Are you familiar with the antenna efficiency of WKBZ?

The WITNESS. No, sir.

By MR. LOVETT:

Q. I intended for you to use the proposed new antenna of WKBB.—A. That would not have a thing to do with it.
164 That would be a limitation to somewhere outside the half millivolt contour during the daytime, based upon that daytime curve which was used as the basis for the recommended separation table.

Q. You state that the use of a highly efficient antenna which would extend the power would not affect the station?—A. Not appreciably. There again, if we want to go into that, I will have to determine that there is a slight variation in the intensity of WKBZ's signal that would be protected on the side toward Muskegon, and will not be on the side more distant from Muskegon. If you want to go into that, I will be glad to do it for you.

Q. Do you say if they employ a highly efficient antenna, extend their power considerably beyond that which now exists, it would not cause interference in the direction of WKBZ?—A. That would still be outside of the half millivolt contour in the direction toward Muskegon. It would be about 193 miles from Muskegon to that half millivolt contour.

Q. I believe you stated that the Telegraph-Herald application proposed an antenna 185 feet high, which was satisfactory to the Engineering Department?—A. I stated that it was satisfactory. I do not know whether I described it, but that is right, 185 feet.

Q. Will you state whether or not the Commission would permit the Telegraph-Herald to increase that height, that is, the Engineering Department of the Commission?

Mr. ROLLO. I object to that for the reason that it calls for a legal opinion.

The EXAMINER. He cannot answer that question. I think the objection should be sustained.

By Mr. LOVETT:

Q. Is there any limitation upon the height of an antenna which might be installed by the Telegraph-Herald, so far as engineering standards of the Commission are concerned?

The EXAMINER. You can ask him what the minimum height is. The rules provide for that.

The WITNESS. The Commission does have a rule designated as 131, which specifies therein what the minimum vertical height shall be when such station requests new facilities, and the specification in this application is in compliance with the requirements of that rule.

165 By Mr. LOVETT:

Q. Does the rules to which you refer specify any limitation?—A. The minimum limitation only.

Q. There is no maximum limitation?—A. No; according to that rule there is not.

Mr. ROLLO. If the applicant is now proposing an amendment to its application, I move it be denied by default in accordance with the rules of the Commission.

The EXAMINER. There is no likelihood of that, Mr. Rollo.

By Mr. LOVETT:

Q. Now, Mr. Davis, what is the minimum recommended distance at which 100-watt stations should be located in the center of a city?—A. In the center of a city it is sought to serve, it should be in about two miles.

Q. Other conditions being equal, which does the Engineering Department prefer for a transmitter location, fertile bottom land in a valley, or the hilly section?—A. I do not know. We probably would require some more description of that as to size of hills, whether it was 10 feet variation or 600 feet variation, and all that, and I do not think we would have to go into that.

Mr. BERRY. Another question about that is what the Engineering Department might prefer. I do not object to asking any ques-

tions about his engineering, but as to the Engineering Department, he may not know what the Engineering Department would recommend.

Mr. LOVETT. That is all.

The EXAMINER. Are there any further questions?

Mr. BERRY. Yes; I would like to ask this question.

By Mr. BERRY:

Q. Has there not been an announced policy of that kind in the annual reports of the Commission?—A. Yes; we have a publication entitled, "Location of Broadcast Transmitters," I think, and therein I think there is an excellent description of the way to select a transmitter site, or certain guides to the selection of a transmitter site. I think that might have been prepared by Mr. Barron, at one time.

Q. Will you state whether or not WMAQ and WMT are chain stations?—A. They are.

166 Mr. JOHNSTON. I would like to ask just one further question.

By Mr. JOHNSTON:

Q. Is your testimony regarding the interference from WSPD to the proposed Dubuque station on a basis of strict daytime conditions?—A. No; not as I understand your question. The recommended separations which are now published and in use at times were based for daytime separations upon interference during the late afternoon hours, and the characteristics of transmission of radio signals to such points in the broadcast bands vary from day to night, and there is a transcription period which is rather gradual, it is not an abrupt change from day conditions to night conditions, and there is that gradual change during the late afternoon hours, and the figure has been selected based upon a study and observation, to represent what the Commission's Engineering Department believed to be a reasonable figure for interference values at the respective distances, and that information has been published and is readily available to the public. It does not purport to represent noon-day conditions.

Q. What information are you referring to?—A. It is in the various annual reports of the Radio Commission which preceded the Communications Commission, and particularly the sixth annual report, and you will find therein curves of night sky wave field intensity as well as expected daytime field intensity at various distances, so far as the problem of interference is concerned.

Mr. JOHNSTON. That is all.

The EXAMINER. Are there any further questions? The witness may stand aside. The hearing will be recessed at this time until 10 o'clock tomorrow morning.

(Whereupon at 4 p. m. a recess was taken until 10 a. m., Wednesday, September 16th, 1936.)

* * * * *

PROCEEDINGS

The EXAMINER. The hearing will be resumed in the consolidated cases consisting of Dockets 3967 and 4031.

You may proceed, Mr. Rollo, with your next witness.

Mr. ROLLO. I will call Mr. Klauer.

167 Whereupon WALTER E. KLAUER, a witness call on behalf of Station WKBB, having been first duly sworn, was examined and testified as follows:

Direct examination by Mr. ROLLO:

Q. Please state your name and where you reside.—A. Walter E. Klauer. Residence, Dubuque, Iowa.

Q. How long have you been a resident of Dubuque?—A. Thirty-seven years.

Q. Are you connected with Sanders Brothers Radio Station, the licensee of Station WKBB at East Dubuque, Illinois?—A. Yes; I am president of the corporation.

Q. Who are the officers and directors of that corporation, besides yourself?—A. Mr. W. H. Klauer, my father, is vice president; Mr. E. A. Deutmeyer is secretary, and Mr. John D. Carpenter is treasurer.

Q. And who are the directors?—A. They are the same.

Q. What is the total authorized stock of the corporation?—A. $40,000.

Q. How much of that is issued?—A. $25,000.

Q. In what manner?—A. 250 shares of common stock of $100 per value.

Q. Is there any preferred stock?—A. None.

Q. How is that 250 shares of common stock owned?—A. All but a few shares are in my name, owned by myself.

Q. What are the shares that are not owned by you?—A. There is one share in the name of each of the other directors, they each own one share.

Q. When did you first commence to operate WKBB?—A. In the fall of 1933.

Q. Was that at the time the station first moved into Dubuque?—A. Yes; it was at the time the first license was granted for operation at East Dubuque.

Q. Did you have control of the corporation at that time?—A. The control of the corporation was in escrow at that time, in my name, under a contract of purchase.

Q. Then you subsequently acquired control, I take it?—A. Yes.

Q. About when did you come into control?—A. The financial part of the contract was completed in July 1934, and that
168 was shortly after the Commission's ruling regarding the transfer went into effect, and it was necessary, as I recall, to get approval of the Commission so that the escrow was not turned over to me until sometime later.

Q. Did you file a request with the Commission for their consent to the transfer to you?—A. Yes; and it was approved.

Q. Will you give us a brief history of the station's assignments since its commencement of operation in East Dubuque up to the present time?—A. The first license provided for specific hours of operation, eight and one-half hours a day, as I recall.

Q. What was the power authorized at that time?—A. 100 watts.

Q. Both day and night?—A. Yes.

Q. And the frequency?—A. 1500 kilocycles.

Q. When was the next change in the assignment?—A. In June 1934 we were granted unlimited time on the same power and same frequency.

Q. Has there been any change since then?—A. In April 1935 we were granted 250 watts daytime power with 100 watts after local sunset.

Q. Is that the present assignment of the station?—A. Yes.

Q. Have you made any improvement in your equipment recently, and if so what are they?—A. Practically all of the equipment has been replaced within the last year. We have installed a new transmitter, all of the speech input equipment and amplifiers, and in fact, the entire transmitting equipment has been replaced within the last year with the exception of a frequency monitor.

Q. When did the new transmitter go into operation, approximately?—A. About six weeks ago.

Q. Where is the station located, the transmitter?—A. One mile east of East Dubuque, Illinois.

Q. Do you have a studio at that place?—A. Yes.

Q. Do you maintain any other studios?—A. Yes; we maintain studios and business offices in the Hotel Julian in Dubuque, Iowa.

The EXAMINER. How long have you had a studio in Dubuque, Iowa?

The WITNESS. Since about February 1934, about two months after we were licensed.

169 By Mr. ROLLO:

Q. I show you what has been marked "WKBB Exhibit No. 13," and ask you to tell us what it is, please.—A. This is a financial statement of Sanders Brothers Radio Station as of August 31, 1936.

Q. Was that statement prepared under your supervision?—A. Yes; prepared by our secretary, Mr. Deutmeyer, and myself.

Q. Are you in a position to state it represents a true picture of the assets and liabilities of the corporation?—A. I am.

Mr. ROLLO. I offer the financial statement in evidence at this time as WKBB Exhibit No. 13.

The EXAMINER. WKBB Exhibit 13 is admitted in evidence.

(The document referred to was received in evidence, marked "WKBB Exhibit No. 13, Docket No. 4031," and is filed with the transcript in the possession of the Commission.)

By Mr. ROLLO:

Q. I now show you what has been marked "WKBB Exhibit 14," and ask you to describe it.—A. This a profit and loss statement of the operations of WKBB for the 8 months ending August 31, 1936.

Q. Was that prepared by you or under your supervision?—A. Yes, sir.

Q. Is it correct?—A. It is.

Mr. ROLLO. I offer this statement as WKBB Exhibit No. 14, in evidence.

The EXAMINER. WKBB Exhibit 14 will be admitted in evidence.

(The document referred to was received in evidence, marked "WKBB Exhibit No. 14, Docket No. 4031," and is filed with the transcript in the possession of the Commission.)

By Mr. ROLLO:

Q. I show you what has been marked "WKBB Exhibit 15" and ask you to describe it.—A. This is an estimate of the pro-
1570 posed cost, or the cost of our proposed moving to Dubuque, Iowa, and the installation of the necessary equipment.

Q. I notice on the exhibit "Land, $3,000"; is that the estimated purchase price of the land?—A. Yes.

Q. You have on this exhibit an explanatory note, I believe, that you have not yet determined whether you will purchase the land or lease it?—A. That is true.

Q. Was this statement prepared by you?—A. It was.

Mr. ROLLO. At this time I offer in evidence WKBB Exhibit No. 15.

The EXAMINER. WKBB Exhibit 15 is admitted in evidence.

(The document referred to was received in evidence, marked "WKBB Exhibit No. 15, Docket No. 4031," and is filed with the transcript in the possession of the Commission.)

By Mr. ROLLO:

Q. Will you please state how you propose to finance this move at a cost totalling about $15,000?—A. It will be financed from

the revenue of WKBB insofar as that will go, and if that is not sufficient it will be financed by myself.

Q. Are your willing to advance additional funds to the corporation if necessary?—A. I am.

Q. In that connection, will you tell us what your income amounts to from sources other than the radio station?—A. Well, my income from other sources will be in excess of $15,000.

The EXAMINER. How much?

The WITNESS. I said in excess of $15,000 this year.

By Mr. ROLLO:

Q. For the year 1936?—A. Yes.

Q. Is there a principal source of income that you have reference to?—A. Yes; I am connected with other interests in addition to WKBB. I am vice-president of the Klauer-Julian Hotel Corporation which operates the Hotel Julian at Dubuque, Iowa, and I am general manager of the Klauer Manufacturing Company, which is a manufacturing plant owned by our family.

Q. What portion of your time do you devote to the station?—A. Well, I have devoted the first two years the station was in operation, nearly 75 percent of my time to it.

171 Since Mr. Carpenter has joined the organization I have probably been devoting about 50 percent of my time to it.

Q. Would you say you are devoting about half of your time at the present time to the operation of the station, excluding your attendance at this hearing?—A. Yes.

Q. You have heard the testimony that has been given in this hearing heretofore with reference to the Telegraph Herald?—A. Most of it; yes.

Q. Is it correct that the Telegraph Herald is the only daily nonsectarian newspaper in Dubuque?—A. Yes.

Q. Does that newspaper publish the program listings of your station?—A. No; they have never published any program listings of our station.

Q. How do you publicize your program listings?—A. Well, we have had to resort to various methods. We have a local labor paper in Dubuque, that is a weekly of small circulation, and they publish our programs.

The Catholic Daily Tribune publishes some of our programs, but that is a national sectarian paper and has a very small circulation in our territory of Dubuque and Dubuque County.

Q. Do you ever resort to leaflets for publicizing your programs?—A. We do not, but some of the public welfare and human welfare organizations, such as the Community Chest and the Visiting Nurses Association, and some of the charities, sometimes use that method of publicizing their programs, in addi-

tion to occasionally buying space in the Telegraph Herald—that is speaking of the organizations but we have never bought any space in the Telegraph Herald ourselves.

Q. Does the Telegraph Herald publicize the civic or charitable programs of your station?—A. The Telegraph Herald has never printed a line about WKBB in its columns, of programs of any kind.

The EXAMINER. Have you ever bought space for your station in the Telegraph Herald?

The WITNESS. No; we have not, but some of the organizations have. I have offered to buy space for them, but they have never allowed me to do it.

172 By Mr. ROLLO:

Q. I show you what has been marked "WKBB Exhibit No. 16," and ask you if that is such a leaflet as has been used to publicize your program, and if that is typical of such leaflet.—A. Yes; this is one that was used by the Community Chest in connection with their program last October, I believe.

Mr. ROLLO. I offer this in evidence as WKBB Exhibit No. 16.

The EXAMINER. WKBB Exhibit 16 will be admitted in evidence.

(The document referred to was received in evidence, marked "WKBB Exhibit No. 16, Docket No. 4031," and is filed with the transcript in the possession of the Commission.)

By Mr. ROLLO:

Q. Did you state whether or not you have ever requested the newspaper to list your programs?—A. No; I have never requested the Telegraph Herald to list our programs; I knew it would be useless.

The EXAMINER. Why not?

The WITNESS. I knew it would be useless, because in the beginning they refused to take paid advertising mentioning the radio station when it first went on the air. They refused to allow one of our clients that had a radio program—they refused to allow him to mention his radio program in his paid display ad.

Mr. LOVETT. I object to that as hearsay testimony, your Honor.

The EXAMINER. He can develop how he found it out. Do you deny that is true?

Mr. LOVETT. Yes; I do.

Mr. BERRY. I would like to make this inquiry for my own information. Counsel, is the position taken there is any obligation on one competitor to advertise the business of another competitor?

Mr. ROLLO. The purpose of this evidence is to show the lack of support that has been given the existing radio station in the community by the existing daily newspaper. That is the sole purpose of the testimony.

The EXAMINER. Go ahead with the examination.

173 By Mr. ROLLO:

Q. Have there been any other incidents besides the one you have just mentioned which have influenced your decision not to ask the Telegraph Herald to list your programs?—A. Well, at the time KWBB went on the air at East Dubuque, and for a few months afterwards, as I recall, the Telegraph Herald was not carrying any radio programs, they had discontinued that sometime before, and it was some months after we went on the air that they began listing radio programs again, and when they did, they listed only the programs of the major networks.

Q. What are your activities in civic affairs in the community as an individual, Mr. Klauer?—A. Well, I try to get behind everything I think is for the welfare of the community.

Mr. LOVETT. I object to that statement generally, I think he should be more specific.

By Mr. ROLLO:

Q. Are you active in the Chamber of Commerce of Dubuque?—A. Somewhat so; yes. I attend the meetings of the committees when I am called; that is, of the committees on which I have been placed or asked to serve.

Q. Is that activity at the present time as extensive as it has been heretofore?—A. No; it is not.

Q. Can you explain that?—A. Well, about a month after WKBB went on the air I was dropped from the committees I had been on previous to that time.

Q. Who was the head of the Chamber of Commerce at that time?—A. Mr. Woodward of the Telegraph Herald.

Q. You have heard some testimony with reference to the weekly agricultural activity and county agent programs proposed by the Telegraph Herald; have you had any experience over WKBB with that type of program, and if so explain your experience, please.—A. Yes; since the inception of WKBB we have been running agricultural programs regularly using material furnished by the State Agricultural College at Ames, Iowa, and from the Agricultural Department of the University of Wisconsin, and from the University of Illinois.

Last fall, just about a year ago now, we endeavored to localize that program by having the county agents of eight
174 surrounding counties come to the studio in rotation, two each week, to present programs prepared by themselves.

That program was started, or rather that arrangement was made, through Mr. Frank Carrigan and with his assistance.

Q. Who is Mr. Frank Carrigan?—A. He is the Dubuque County agricultural agent. We had considerable difficulty in making those arrangements.

Q. How long was that program carried?—A. It was carried about six months, carried until February or March, as I recall.

Q. Was that program successful?—A. It was successful while these agricultural agents would come to Dubuque to give the programs, but for various reasons they failed to show up for the program because they busy, and we could schedule the program, and then would have to change our schedule. Some of them would come perhaps an hour late for the program and they seemed to lose interest in it after a time, particularly around last February; but, of course, that was probably due to weather conditions at that time, as we had a pretty severe winter out there and it was quite a job to drive 40 or 50 miles to put on a program.

Q. Was that irregular attendance the cause for your discontinuing that particular feature?—A. Partly so. Since that time Mr. Carrigan has continued to give one program a week.

Mr. ROLLO. I think that is all on direct.

The EXAMINER. What is the nature of that program?

The WITNESS. That is a program prepared by himself. It is a daily program, but Mr. Carrigan presents it once a week.

By Mr. ROLLO:

Q. You haven't a copy of it?—A. Mr. Carpenter will testify regarding that program. This other I mentioned was before Mr. Carpenter came.

Mr. ROLLO. That is all.

The EXAMINER. You may cross-examine.

175 Cross-examination by Mr. LOVETT:

Q. Mr. Klauer, I believe you said the station was purchased by you pursuant to an escrow agreement?—A. Yes.

Q. What did that agreement provide; I don't mean the amount necessarily, but the other provisions?—A. It provided for the stock of the corporation to be placed in escrow in the First National Bank of Cicero, Illinois, and provided for certain payments to be made thereon.

Q. That was in connection with the move to East Dubuque?—A. I don't understand.

Q. It was formerly in Joliet, just before this agreement took place?—A. The agreement was made after the station had moved to Dubuque.

Q. You say it was made after the move?—A. Yes; after the construction permit had been granted.

Q. The negotiations were had prior thereto, were they not?—A. The negotiations were had not only concerning this station but concerning another station. For several years prior to that time I was interested in bringing a radio service to Dubuque. Before 1933 I had negotiated with the owners of a station up in Decorah, Iowa, with the idea of bringing that station to Dubuque.

Q. You have indicated that this cost of the proposed move and the new equipment necessary will approximate $15,000. Do you intend to pay for that entirely out of your own earnings and the earnings of the station?—A. Yes; this estimate may be a little high in some particulars, but it has been my experience that the cost of this sort of thing usually goes over your estimate. In any event I am prepared to stand that charge.

Q. Do you have any assets other than your current income which you mentioned would be $15,000 per year?—A. Yes.

Q. Approximately what does that consist of?—A. I own some securities.

Q. What would be the total value?—A. Well, I would say that I could produce assets, securities, and equities in excess of a hundred thousand dollars if necessary.

Q. That is also in excess of liabilities?—A. Yes; these are my personal assets.

176 Q. You stated that there were several county agent programs, two weekly, I believe, scheduled for a period of six months. Can you tell what counties that was?—A. Yes; in addition to the counties we have been discussing here—you want me to enumerate them?

Q. Yes, if you will; with the names of the agents.—A. I don't recall the names of the agents, as this was arranged pretty much through Mr. Carrigan, and he got these men together and brought them to the studio, and it was also arranged with our program director. I met the gentlemen at the time, but I don't remember the names.

In addition to the counties mentioned were Grant County, Wisconsin, and Jo Daviess County, Illinois, which I believe have been mentioned; Carroll County was also included. In Iowa there was Dubuque, Jackson, Jones, Clayton. I think that is eight. Delaware County was included in that, too.

Q. They would rotate two each week?—A. Yes; they were to rotate two each week and they did; they all came several times.

Q. How long have you been intimately connected with this station, ever since the move to East Dubuque?—A. Yes; ever

since the move to East Dubuque I have been directing the operations.

Q. Do you know whether or not they have carried programs of the Black & White Orchestra at any time?—A. I don't know whether they carried programs of that orchestra under that name. These local orchestras around Dubuque keep changing their names and also their personnel shifts back and forth among the orchestras, and in many cases the same musicians would be playing in various orchestras under different leaders and different names.

Q. How about the Columbia College Vested Male Choir?—A. We have never carried from our studio the Columbia College Vested Male Choir. We have carried programs in connection with Columbia College activities up at Columbia College in which the choir participated.

Q. How often has that been done?—A. Three or four times, I believe.

Q. Within the period of four years?—A. Oh, yes; I personally called on and contacted Father Dress, the director of that choir, when the station went on the air and asked him to co-
177 operate with us, that we would be very glad to broadcast the choir at any time he would make them available.

Q. And it has been done about three or four times?—A. Yes; because Father Dress did not seem to be enthusiastic about it and told me the choir was not in shape to broadcast at that time.

Q. How about the University of Dubuque mixed choir; has that been carried?—A. Yes; they have been to our studio many times.

Q. When was the last time?—A. I think that will appear in Mr. Carpenter's testimony. He will testify regarding the programs.

Q. Has it been there three or four times a year?—A. Yes. I would not say the entire choir three or four times a year, but various groups from that choir.

Mr. Rollo. While I have no objection to this line of questioning, yet in order to save time I will call attention of counsel to the fact that the program director will be put on the stand to testify about the programs.

Mr. Lovett. That will be during the time he has been manager of the station, which is only during this year, I believe, and that is the reason I desire to ask questions of this witness. I do not care to go into the present program with this witness.

The Examiner. That is all right, to go into the question of programs; but it would be better to go into it with somebody who is familiar with it, or at least not with every witness who goes on the stand.

Mr. LOVETT. Mr. Carpenter, as I understand, is not familiar with the programs prior to this year.

Mr. BOLLO. Mr. Carpenter came with the station in March or April of this year, I believe, but he has of course made a complete study of prior programs.

The EXAMINER. Well, go ahead.

By Mr. LOVETT:

Q. Has the Wartburg Theological Seminary male choir appeared over WKBB?—A. I can't tell you.

Q. Has the Columbia Academy glee club?—A. We have had a great number of programs from Columbia College and various talent from there, and I don't recall whether the organization was under that particular name.

178 Q. Have you carried programs of Virginia Barrett and Mrs. Barrett, to your knowledge?—A. No; I could not say whether we have or not.

Q. How about Eugenia Bollis?—A. I am afraid I could not say. I cannot testify to all of the talent we have had on, because I do not take direct charge of the talent.

Q. How about the Dubuque Band Academy?—A. The Dubuque Band Academy is a commercial organization.

Q. Have you ever carried their programs?—A. From there?

Q. From there or from their organization?—A. We have had a lot of programs from their talent; yes.

Q. Sustaining programs?—A. From people who belonged to the Dubuque Band Academy, various groups.

Q. Sustaining programs or sponsored programs?—A. They would be mostly sustaining programs.

Q. Have you had programs produced by the Dubuque Academy of Music?—A. Not produced by that organization particularly. That is a school of music.

Q. It is Dr. Klein's school.—A. Yes; but a great many of his pupils and graduates have participated in our programs.

Q. Have you ever had programs listed by the Schroeder Conservatory?—A. Mr. Schroeder has produced programs at our station many times. I am speaking of Mr. Schroeder the violinist, if that is the man you have reference to.

Q. Professor Schroeder.—A. I don't know whether he calls himself Professor Schroeder, but he is a very good violinist, the man I have reference to.

Q. From what territory have you been drawing your talent?—A. We have been drawing our talent from Dubuque and the surrounding territory over a radius of approximately 40 miles.

Q. Have you had any talent from Galena?—A. Yes.

Q. What talent from Galena; do you recall?—A. A number of small orchestras and soloists.

Q. And Platteville?—A. Yes; we have a good deal of talent from Platteville.

Q. And Lancaster?—A. Yes.

Q. What about Stockton?—A. Stockton, I don't know; I do remember the others very well.

179 Q. Are you broadcasting any programs for the superintendent of schools of Jo Daviess County?—A. I believe the superintendent of schools of Jo Daviess County—no, I am not sure whether it was the superintendent of schools of Jo Daviess County or of East Dubuque, who has put on various programs up there from the East Dubuque studio.

Q. How many times have they appeared, if you recall?—A. I could not tell you that.

Q. Once or twice a year?—A. I could not say.

Q. How about the superintendent of schools at Galena?—A. Most of the arrangements for these programs were handled by the man I had in charge of the program department at the time, and I do not profess to be familiar with every program that was put on that station.

Q. You were studio manager at the time?—A. I was directing the operation of the station, and also putting in most of my time soliciting advertising and activities of that nature.

Q. Speaking of advertising, do you carry any advertising accounts from Galena?—A. We have had some advertising accounts from Galena; yes.

Q. Are you carrying it now?—A. Not now.

Q. How about Cuba City?—A. I do not recall that we ever had any from Cuba City. We have had a number from Platteville, however.

Q. Will you state whether or not the police cars of Dubuque are equipped with radio receiving sets, or the sheriff's cars of that county?—A. I believe the sheriff's cars are, but I do not believe the police cars are equipped with radio.

Q. Did WKBB equip them?—A. The sheriff's cars?

Q. Yes.—A. If they are equipped, we have not equipped any of them.

Q. Do you provide any 18-hour service or 24-hour service, or what kind of service do you provide?—A. Our broadcast day begins at 7 in the morning and ends at 11 p. m.

Q. It is not available for broadcasting after that time?—A. No.

Q. Your station is affiliated, I believe, with the A. B. C. network?—A. Yes.

Q. When did it join that network?—A. When the network started, I believe it was in April of this year.

Q. Do you carry the full complement of their programs?—A. No.

180 Q. That is a service for which you pay, I believe?—A. In the beginning it was a service for which we did not pay, but when it lasted two months then it is a service for which we are paying, and we are paying a sustaining fee of $325 a month for that service now.

Mr. LOVETT. I believe that is all.

Mr. JOHNSTON. I have no questions.

The EXAMINER. Mr. Berry, have you any questions?

Mr. BERRY. Yes; I have a few.

The EXAMINER. You may proceed.

Cross-examination by Mr. BERRY:

Q. This station was established, I believe, in 1933?—A. Yes, sir.

Q. It moved from what place?—A: Joliet, Illinois.

Q. I believe you stated that you were a native of Dubuque, or are you a native of Dubuque?—A. Yes, sir; I am.

Q. What has been the practice of the station, so as to get it correctly before me, about advertising the newspapers in your territory?—A. Advertising in the newspapers?

Q. No; advertising the newspaper, do you make any announcement about what newspapers circulate and such?—A. No; we do not.

Q. I did not quite understand what you said about your withdrawal from the Chamber of Commerce, what was that, you said you had been an active member?—A. Yes; and I was suddenly dropped in January 1934. When the committees of the Chamber of Commerce are usually appointed for the year it has always been the practice to put everybody on a number of committees, all of the members, so that they can serve on various committees, and my name did not appear on any of them, although I was a member. That was a month after I became affiliated with WKBB. Mr. Woodward of the Telegraph Herald was president of the Chamber of Commerce at that time. It made it very difficult for me——

Q. I just wanted to know——

The EXAMINER. Let him go ahead and answer that. What was it you were going to say?

The WITNESS. The fact that my name was not on any of the committees made it difficult for me to participate in a lot of the civic activities of the city.

181 By Mr. BERRY:

Q. Do you know why you were dropped?—A. I cannot prove it; no.

Q. Do you have any difficulty in securing sufficient talent to put on the programs?—A. No; we hold auditions twice a week and continually advertise for talent—shopt for it.

Last winter, from early fall until this spring, we carried on a program called "Talent Quest" from the stage of one of the theatres, and tried to draw talent in that way. We had a wealth of talent in the beginning when the station was first put on the air, but they have lost interest.

Q. That was when enthusiasm was high over the advent of the new facility?—A. Yes; and the novelty has worn off.

Q. Has there been any change in conditions at East Dubuque during the period you have been there; have the business or commercial activities of that locality been circumscribed in any way, or are they about normal; about like they were when you moved there?—A. In East Dubuque?

Q. Yes.—A. A number of establishments have opened their doors and taken out licenses since we have been there.

Q. You mean by that some that were closed are opening up?—A. Yes.

Q. And other businesses opening up?—A. Yes.

Q. And other businesses opening up?—A. It is all liquor business, however. I might explain there is no private sale by the drink of liquor in Iowa, that is prohibited; and Illinois has over-the-bar sale, so that East Dubuque has developed a rather bright district for a couple of blocks.

The EXAMINER. Is that patronized by the citizens of the State of Iowa?

The WITNESS. I am afraid so; some of them.

By Mr. BERRY:

Q. All of this business goes to make up your community and carry the tax burden and build roads, highways, and so forth?—A. Yes, sir.

Q. Has business improved since you have been in East Dubuque?—A. In general?

Q. Yes; in general, around over the section you serve.—A. In East Dubuque, or do you mean the entire territory?

Q. In the territory.—A. In the territory business has improved quite a bit.

182 Q. What would be the difference in your service if you are granted your application to move, what would be the difference in what you propose and what you are rendering now?—A. From what standpoint, the standpoint of programs or what?

Q. Public service or private service, for the benefit of the station or for the benefit of the public, I just want to know what you propose to enlarge upon.—A. I am quite confident we can get more

cooperation from some of the people we have been speaking about, these county agricultural agents, if we can cover the territory more thoroughly. If we increase our service area somewhat I think we can draw more talent from that territory, because they will be able to hear the station better. We have drawn talent 40 or 50 miles away, and they heard the station was there, and they could pick it up once in a while.

Q. That is rural talent?—A. Yes.

Q. You do cover Dubuque fairly well now?—A. Yes; the City of Dubuque.

Q. Do you draw the principal part of your talent from Dubuque?—A. Yes.

Q. I believe you stated in a general way the nature of that talent.—A. Yes.

Q. What would be your plan so far as agricultural interests are concerned if you move; that is, will they be enlarged or be the same as you are carrying now?—A. They will be similar to what we are carrying now.

Q. Just very briefly, the territory surrounding Dubuque on both sides of the river east and west of the City of Dubuque is surrounded by agricultural sections?—A. Yes; and there is some mining in Illinois, and in Wisconsin considerable mining.

Q. Are those mines prospective advertisers?—A. No.

Q. Do you carry the stock-market reports, and so forth, over your station?—A. No.

Q. Or do you propose to?—A. No; I made a number of attempts to establish a local market. I went to Swift & Company, who have a branch buying plant there, where they buy poultry and eggs, and tried to get them to give us market prices that we could quote, and we also went to the Dubuque Packing
183 Company and tried to establish a local market in that way, but they did not want a local market established, and therefore we have no local prices.

Q. Do you happen to know where prices are fixed; doesn't Chicago fix the prices of livestock and poultry for all of the United States?—A. Yes.

Q. Those prices are carried over the Chicago stations, are they not?—A. Yes.

Q. That is, hogs, cattle, sheep, and so forth?—A. Yes.

Q. All of that country, or a great portion of it, is a feeder into Chicago for the livestock market, except when you get down to Kansas City, then the Kansas City market takes care of that?—A. Yes; that is correct. We have one local packing plant that kills hogs in Dubuque. We tried to get them to establish a local market, but they will not do it.

Q. Does that also apply to your eggs, chickens, and small produce?—A. Swift & Company sets the price of those.

Q. I take it that price, if you know, is the price in your place plus the freight to Chicago; is that about the way it is fixed?—A. That is about the way it was explained to me.

Q. Do you know whether either of these newspapers carry those livestock and produce markets?—A. I believe the Telegraph Herald carries a condensed stock-market report in the evening. That is the Board of Trade, or rather the New York Stock Exchange, and also the grain prices.

Q. I was not speaking of stocks and bonds, but of livestock, poultry, and so forth.—A. I have seen some prices, but I don't know whether they are Chicago prices, however, I have never seen any Dubuque prices.

Q. Those local houses then did not cooperate with you to help you disseminate knowledge as to what the local markets are; that is, Swift & Company and the other packing company?—A. They told us very frankly that they would rather we did not attempt it.

Q. They did not want the farmers to know what their stock was worth?—A. They did not want several different price quotations, as that seemed to disturb the farmers.

Mr. Berge. That is all I have.

Mr. Rollo. I have a few more questions I would like to ask.

The Examiner. You may proceed.

184 Redirect examination by Mr. Rollo:

Q. Mr. Klauer, do you carry liquor advertising over WKBB?—A. No; we have never carried any at all; we have refused all liquor advertising.

Q. Do you know whether it is legal to advertise liquor in the State of Illinois?

Mr. Lovett. I object to that as a matter of law.

The Examiner. Yes; that is a question of law, and the objection will be sustained.

By Mr. Rollo:

Q. What is the policy of your station with reference to cooperation on civic, charitable, and religious matters?—A. Our announced policy from the time WKBB went on the air out there, and I made a number of announcements on this myself, has been that the station is open to anything of a public-service nature.

We have attempted to cooperate with every civic activity, every charitable activity, and I would not say every religious activity, but we have opened the station to a number of special events that took a great deal of time. We have invited practically, I think, every clergyman in Dubuque to come and use the station.

Q. Are these facilities made available free of charge to those organizations?—A. Yes; in every instance.

Mr. Rollo. That is all.

The Examiner. I wanted to ask the witness some questions.

By the EXAMINER:

Q. I do not know whether I understood correctly, do you live in Dubuque, Iowa?—A. Yes, sir.

Q. How long have you lived in the City of Dubuque?—A. I am a native of Dubuque; I am 37 years old.

Q. How long have you been a member of the Chamber of Commerce?—A. From about 1923.

Q. Have you ever held any office except on the committees in the Chamber of Commerce?—A. No.

Q. When were your first placed on committees in the Chamber of Commerce?—A. Immediately when I became a member.

185 Q. What committees, do you remember any of them?—A. Yes; I have served on the convention committee, being in the hotel business, as they usually try to place you in connection with something you know about, and for a long time I was on the airport committee. Those are the two committees I have done the most work on.

Q. You served steadily on those committees until you were dropped recently?—A. I have been reinstated again and my name appeared on some of the committees last year, 1935.

Q. You were on committees up to 1934, or including 1935?—A. Up to 1934, and up to the time the station opened in East Dubuque, then I was dropped from all committees for that year.

Q. Who was president of the Chamber of Commerce at that time?—A. Mr. Woodward of the Telegraph-Herald was president of the Chamber of Commerce at that time.

Q. He was president of the Chamber of Commerce at the time you were dropped from these committees?—A. Yes, sir.

Q. How long were you off of these committees?—A. Until 1935.

Q. Is he still president of the Chamber of Commerce?—A. No; he is not.

Q. When did he cease to be president?—A. January 1, 1935—I don't know whether it was January 1st, but it was the year 1935. As I recall the Chamber has their only general meeting shortly after the 1st of January, early in the year.

Q. Then who was elected president of the Chamber of Commerce?—A. The president of the Key City Gas Company, Mr. Charles McLain.

Q. Then your name again appeared on the committees?—A. Yes, after that.

Q. But during the presidency of Mr. Woodward, who is connected with the Telegraph-Herald, you were not on those committees?—A. My name did not appear on any committees in 1935. He was president for two years, as I recall it.

Q. Can you tell of any other act of the Telegraph-Herald which would indicate their attitude toward or opposition toward

your station, any public act?—A. Yes; I can tell some of them.

186 Q. Of your own knowledge?—A. Of my own knowledge; yes.

Q. I am talking about the newspaper now, that is the applicant here for another station.—A. Yes, sir. The attitude of the Telegraph-Herald has been very inimical to me.

Q. What do you mean by that?—A. I will give you one example. A year ago last spring I was approached by the playground or recreation director of the City of Dubuque who asked me to sponsor a baseball team in the Industrial League. Dubuque has no league baseball, so they have this Industrial League which is sponsored by various business organizations, each one sponsoring a team. The cost would have been in the neighborhood of $200 or a little over to supply the uniforms and equipment. This man came to me two days later and apologized and said he was sorry we would not be allowed to sponsor a team because the Telegraph-Herald objected to it.

Q. Did they sponsor a team?—A. No.

Q. Did anybody else sponsor a team there?—A. From the newspaper?

Q. No; I mean in the town.—A. Yes; there are six or eight teams in this Indnstrial League, which is a sort of semipro league.

Q. You say you never offered to buy any space in the Telegraph-Herald; do you know what that space would cost if you could buy it?—A. I assume we would pay the regular rate; and assuming that, I know about what it would cost. I think their rate is $1.12 an inch.

Q. There is no other daily paper there of a similar type besides this newspaper?—A. No; there is no other daily paper except the Catholic Tribune, and that is a national paper. There is no other daily paper in Dubuque.

Q. Is there a county paper there, or a weekly paper?—A. There are some weekly papers out in the county in the small towns like Cascade and Barrettsville, but they have no circulation in Dubuque.

Q. How much of the time of the station is given over to free service to civic, educational, and patriotic organizations?—A. I cannot give you the exact percentage.

Q. Your program director will give all of that?—A. Yes; he will be able to give all of that.

187 Q. Have you ever refused time to any civic organization or any church organization?—A. Never.

Q. Your station has been open at all times to all of these organizations if they desire to use the service?—A. Yes, sir.

Q. Have you ever had any remote control connections to any of the churches or such organizations?—A. Yes; we have had remote-control service to Columbia College for religious services up there of a special nature, some sort of religious convention, I don't remember exactly the name of it. We have had no remote church pick-up, but we have a regular program every Sunday morning that is conducted by the Dubuque Ministerial Association, a half-hour program every Sunday.

Q. How many people are in your sales force for selling advertising?—A. There were four of us selling advertising, including Mr. Carpenter and myself.

Q. You do some selling yourself?—A. Yes.

Q. During your process of sales of the service, have you run on to any kind of comparative rates between your station and the Telegraph Herald where advantages have been given prospective advertisers if they would not advertise over the radio?—A. Yes; I have run into that. That did not last very long, though.

Q. I notice you have an item here on your expense or profit-and-loss statement of news service $1,143.77, what news service have you?—A. That is Trans-Radio and Press Radio service.

Q. What is their source of news?—A. I am not familiar with their sources of news, but I imagine they have correspondents.

Q. What type of news do they supply?—A. They supply us with news of a national character.

Q. Ordinary news of a national or state interest is it?—A. Yes.

Q. How do you get your local news?—A. From time to time we have had news reporters, one of the staff who went around to the principal sources of news, and we have a news reporter at the present time, a local news reporter.

Q. Who does not do anything else but that?—A. Yes; he has some other duties, he edits the news that comes in over the teletype ticker from Trans-Radio.

188 Q. I mean that is his principal business?—A. Yes; that is his business.

Q. From the fact that your station is located primarily in East Dubuque, will you state whether or not there has been any prejudice shown by the people of Dubuque as a community against the station?—A. No; not as a community. The people of Dubuque, I think most of them consider it a Dubuque station. That——

Q. What sort of studio do you maintain in Dubuque, Iowa?—A. We have a studio and business office on the mezzanine floor of the Hotel Julian, one studio that is about the dimensions of this room.

Q. Just give an estimate of the square feet.—A. It is about as long as this room and as wide, maybe 20 or 25 feet by 18

feet. We have another room we use partly as an office, and convert into a studio when we have a large band or choir, probably half again as large as the studio room. Then we have a small studio for talks, and that is where the input equipment is located.

Q. Do you have an auditorium there?—A. We have the use of the ballroom of the hotel for an auditorium, and we have used it for an auditorium when we have put on programs of certain types where we invite an audience to attend. The room would seat about 500 people.

Q. These rooms there are all soundproofed in your studio, that is to say, it is a modern studio?—A. Yes; the walls are insulated with Insulite.

The EXAMINER. I believe that is all.

By Mr. LOVETT:

Q. Are the studios acoustically treated?—A. No; that is, not by any commercial outfit.

Q. How about the studio in East Dubuque, will you tell us of what that consists?—A. Yes. The building includes living quarters for the operator, first of all, a combined kitchen and dining room.

Q. I am not interested in that, I mean the studio in East Dubuque, that is the main studio, is it not?—A. Yes. We have a transmitter room housing the transmitter, which is approximately 10 by 12 or a little larger and, of course, you understand these are not exact dimensions.

The EXAMINER. Is there a toll bridge at Dubuque across the river there?

189 The WITNESS. Yes, sir.

The EXAMINER. That accommodates automobiles and that type of traffic?

The WITNESS. Yes, sir.

By Mr. LOVETT:

Q. The studio itself is what I was asking about.—A. We have two studio rooms there. We have a studio room that is approximately 12 or 14 by 15 to 18 feet, I don't know the exact dimensions. Then adjoining that we have another room which we have converted into a studio at times, if necessary, which is considerably larger, about half again as large.

Q. Are those studios used regularly?—A. They were used a great deal in the beginning—you mean for live talent?

Q. Yes; or for any purpose.—A. They are used for producing over 50 percent of our local programs.

Q. That is in East Dubuque?—A. Yes.

Q. The local programs, does that include transcriptions?—A. Yes, indeed.

Q. That is where you have the turntables?—A. We have double turntables at both studios.

Q. The majority of those programs originate in the East Dubuque studio, is that right?—A. Yes.

Q. Are the East Dubuque studios acoustically treated?—A. They are treated with Celotex, I believe, but not anything fancy.

Q. They are not as well equipped as the ones over in the hotel?—A. I would say they are about as modern as the hotel studios. They were put in at the same time, but they do not look like the N. B. C. studios or anything like that.

Q. Are the studios in East Dubuque accessible?—A. No; they are very inaccessible at times. There have been times in the winter when we had to climb up the hill when the road was blocked, and that is the reason for putting studios in Dubuque, because talent would not come over there to the studios.

Q. Then that studio in Dubuque was put in for the convenience of talent?—A. Yes; it was put in for the convenience of talent.

Q. Getting back to the Chamber of Commerce, is it not a fact that the various appointments for the committees are
190 recommended by the secretary to the board?—A. I don't know, I have never been a director of the Chamber of Commerce.

Q. You said that you were out for a period of one of the two years Mr. Woodward was president. Is that correct?—A. Yes.

The EXAMINER. Was that the year you commenced with the station?

The WITNESS. Is was the year after that, it was the year 1934.

The EXAMINER. When did you commence your radio activities?

The WITNESS. In December of 1933.

By Mr. LOVETT:

Q. You mentioned, I believe, in answer to one of Mr. Berry's questions that you broadcast a "Talent Quest" program.—A. Yes.

Q. Is that the program that was sponsored by the Grand Hotel Corporation?—A. Hotel corporation?

Q. The Grand Theatre Corporation, I mean.—A. It was sponsored in part by the Grand Theatre: yes. They offered prizes on it and they paid the prizes and the line charges to their theatre. In other words, they paid part of the expenses.

Q. And they developed the program also?—A. No; we helped develop the program, we had all of the auditions at our studios and helped develop the talent to go on the program.

Q. It was what you would call a sponsored program?—A. No; it was not what I would call a sponsored program, because we did not get our full time rates out of it.

Q. You did not lose money on it?—A. Well, it cost us money, but I would not consider it a loss as we were trying to develop talent.

Q. How long did that program continue?—A. It was half an hour every week and ran, as I recall, from early in the fall until late in the spring, until what they call the summer season comes on.

Mr. LOVETT. That is all.

Mr. BERRY. Mr. Examiner, I think I inadvertently led the witness into an inaccurate statement relative to the local
191 prices on livestock, when I suggested that the local price was fixed as the Chicago price plus the freight from the local point from which it moved. I should have suggested that the local price is generally quoted as the Chicago price less the freight from the point of origin to Chicago. I think the witness answered incorrectly, because I think the local buyer would pay less.

The WITNESS. Yes; I think it would be less there.

By Mr. BERRY:

Q. That is, less a proportion of the freight?—A. Yes.

Q. As I understand the way these markets are fixed the local seller pays a part of the freight, whether it ever moves out of his town or not, because of the fact they fix the rates in Chicago, and the local buyers pay the price that they fix, and charge that fellow with the freight, whether it ever goes out of the local town or not. I know that is the way they do down in our country, and I did not want the record to show we were both mistaken about it.—A. Yes; I think you are correct.

The EXAMINER. I have one or two further questions.

By the EXAMINER:

Q. I notice here on your profit and loss statement that you had a deficit at the close of business December 1935 of $4,165.85.—A. A surplus deficit.

Q. I assume that is made up from surpluses?—A. It is made up of losses. The station has not shown a profit to date.

Q. The surplus deficit up until the 31st of August this year was $475.—A. Yes, sir.

Q. In other words, there has been a considerable improvement in your earnings in the last year?—A. Yes, sir; we have made a much better showing this last year.

Q. How long have you had that studio in Dubuque, Iowa?—A. We put it in almost immediately after we opened in East Dubuque, within two months after we opened we put that in.

Q. How do you account for this decided financial improvement in your income?—A. Of course, we depend largely upon the retail business in Dubuque for our advertising revenue, and the retail business has improved very much in the last three years.

192 Q. And that is reflected in your earnings?—A. That is reflected in the advertising these people do.

Mr. ROLLO. May I ask another question?

The EXAMINER. Yes.

By Mr. ROLLO:

Q. In connection with the East Dubuque studio, I believe you testified you broadcast a majority of the locally originating programs from that studio. Is that correct?—A. Yes.

Q. In addition to that, about what percentage of your station announcements do you make from that studio?—A. Practically all of them.

Q. Do you intend to continue your East Dubuque station should this application be granted?—A. No.

By the EXAMINER:

Q. How are you going to serve those people over there?—A. We are moving only about two and a half miles directly across the river, and I think East Dubuque will have better service than they have now.

Q. But they will not have a studio?—A. They will not have a studio, but they have not used it much anyway.

Q. Do you know what it costs you to maintain the studio in East Dubuque as compared with Dubuque?—A. We feel from our experience we could operate much more economically if we did not have to maintain two studios and have to carry the announcers to both places. We have an announcer living at the East Dubuque studios, but there is also a great deal of running back and forth, and transportation to be paid for in addition to the toll across the bridge, and the toll is 25 cents a roundtrip for an automobile. Our bridge toll bill has run as high as $30 a month and more.

Q. Can you tell me what percentage of your income originates in Dubuque, Iowa?—A. As compared to East Dubuque?

Q. What percentage of your total?—A. I am afraid I cannot give you that figure. It would be the difference between our local advertising and our national advertising, and it would be in the neighborhood of 85 to 90 percent, I would say offhand, average.

Q. That is the local advertising?—A. Yes; the local advertising, and practically all of it originates in Dubuque.

193 We have no accounts from East Dubuque, there are not any acceptable accounts in East Dubuque.

The EXAMINER. All right, you may stand aside. Call your next witness.

Mr. ROLLO. I will call Mr. Carpenter.

Whereupon JAMES D. CARPENTER, a witness called on behalf of Station WKBB, having been first duly sworn, was examined and testified as follows:

Direct examination by Mr. ROLLO:

Q. State your name and residence.—A. James D. Carpenter, Dubuque, Iowa.

Q. Are you connected with the licensee of Station WKBB?—A. Yes; I am the treasurer of the corporation and general manager of the radio station.

Q. How long have you been with the station?—A. Since March 28th of this year.

Q. Will you state what experience you have had in radio prior to becoming associated with WKBB?—A. My experience in radio goes back for a period of 10 years. From the period of 1922 to 1928, and I mention that only because the last two years of it are significant from a radio angle, but from 1922 to 1928 I was connected with the Caldwell-Baker Advertising Company of Indianapolis, vice president of the organization, in charge of their accounts.

I established a radio department there in 1926, serving accounts in the Indianapolis territory, following which in 1928 I was with Radio Station WKBF, in Indianapolis, which is now Station WIRE.

I started there as continuity director and chief announcer, then became program director, assistant manager, and for the last two years of my connection there I was the general Manager of that station.

From 1933 in the fall to March 28th of 1936 I was midwestern and southern field manager for the Radio Transcription Company of America, where I was in contact with some 250 radio stations in portions of 21 states from North Dakota to Florida.

Q. From the Mid-western and Southern Sales Company you came to WKBB?—A. I came from the Radio Transcription Company of America to WKBB.

194 Q. What are your duties at WKBB?—A. Well, the duties of almost any general manager of a small radio station. And in addition to general supervision I am in charge of the employment of all of the employees, and I have, naturally, the sales direction of the organization.

Q. Are you also familiar with the programs?—A. Very definitely so.

Q. I show you what has been marked WKBB Exhibit No. 16, and ask you to tell us what it is, please.—A. This is a copy of the WKBB personnel which is employed regularly weekly by the station; that is, they appear as the weekly personnel of Station WKBB.

Q. Does the exhibit also show the duties of the personnel?—A. Yes; but of course there are other duties not shown, but these are the main duties of the personnel.

Q. Can you tell us how many fulltime employees the station has?—A. Fulltime employees, ten I believe.

Q. Does this exhibit include any parttime employees?—A. Yes; under staff musical talent that naturally would be parttime, and also the officers listed, some of them of course are very much parttime.

Q. Was this exhibit prepared by you?—A. It was.

Mr. ROLLO. I offer in evidence at this time WKBB Exhibit No. 16-A.

The EXAMINER. WKBB Exhibit No. 16-A will be admitted in evidence.

(The document referred to was received in evidence, marked "WKBB Exhibit No. 16-A, Docket No. 4031," and is filed with the transcript in the possession of the Commission.)

By Mr. ROLLO:

Q. I show you what has been marked WKBB Exhibit No. 17 and ask you to tell us what that is, please.—A. This is an explanation of the programs of Radio Station WKBB for a period of two weeks beginning with Sunday, August 30, 1936, and continuing through Saturday, September 12th, the past two weeks just preceding this one.

It gives the titles of the programs and an explanation as to what the programs are.

Q. Does it represent a complete schedule of those two
195 weeks?—A. It does, with the exception of spot announcements and that type of thing. These are programs.

Q. Would you say these two weeks of programs are typical of the service being rendered by WKBB?—A. Yes; I would. There are a few special things in them because of the season, but naturally it would be typical, because other seasons have existed in other periods of the year.

Q. Was the exhibit prepared by you?—A. It was.

Q. Were the explanations of each program prepared by you?—A. They were.

Q. Are you prepared to state this is a correct presentation of the programs carried over the two-week period it covers?—A. Yes; I am.

Mr. ROLLO. I offer in evidence at this time WZBB Exhibit No. 17.

The EXAMINER. WKBB Exhibit No. 17 will be admitted in evidence.

(The document referred to was received in evidence, marked "WKBB Exhibit No. 17, Docket No. 4031," and is filed with the transcript in the possession of the Commission.)

By Mr. ROLLO:

Q. Does WKBB has a network affiliation?—A. It does.

Q. With what network?—A. The Affiliated Broadcasting Company.

Q. Have you determined the amount of network program you have carried from that network in the period covered by the previous Exhibit No. 16?—A. I have.

Q. I show you what hase been marked WKBB Exhibit No. 18, and ask you to state if that is your calculation on that subject?—A. It is.

Q. Was this exhibit prepared by you?—A. It was.

Q. Is it correct?—A. It is.

Mr. ROLLO. I offer in evidence at this time WKBB Exhibit No. 18.

The EXAMINER. WKBB Exhibit 18 will be admitted in evidence.

(The document referred to was received in evidence, marked "WKBB Exhibit No. 18, Docket No. 4031," and is filed with the transcript in the possession of the Commission.)

196 By Mr. ROLLO:

Q. Mr. Carpenter, have you made an analysis of the two-week program shown in Exhibit 17 in order to determine the amount of time devoted to live talent, transcriptions, and phonograph records?—A. I have.

Q. I show you what has been marked WKBB Exhibit No. 19, and ask you to state if that is the result of that analysis.—A. It is.

Q. Was this exhibit prepared by you?—A. It was.

Q. And is it correct?—A. It is.

Mr. ROLLO. I offer in evidence at this time WKBB Exhibit No. 19.

The EXAMINER. WKBB Exhibit No. 19 is admitted in evidence.

(The document referred to was received in evidence, marked "WKBB Exhibit No. 19, Docket No. 4031," and is filed with the transcript in the possession of the Commission.)

By Mr. ROLLO:

Q. Mr. Carpenter, have you made an analysis of the programs in Exhibit No. 17 to show the amount of time devoted to various types of programs?—A. I have.

Q. I show you what has been marked WKBB Exhibit No. 20, and ask you to state if that is the result of that analysis.—A. It is.

Q. Was the exhibit you have before you prepared by you?—A. It was.

Q. Is it correct?—A. It is.

Mr. ROLLO. Mr. Examiner, at this time I offer in evidence WKBB Exhibit No. 20.

The EXAMINER. WKBB Exhibit No. 20 is admitted in evidence.

(The document referred to was received in evidence, marked "WKBB Exhibit No. 20, Docket No. 4031," and is filed with the transcript in the possession of the Commission.)

By Mr. ROLLO:

Q. I wish you would describe the various classifications you have used on this last exhibit, tell us just what type
197 of material you included under each of your classification headings.—A. Generally speaking the predominant factor in any program which is listed there was taken as being the classification under which the program was listed.

Under popular music was included all types of popular music from rythm to the modern compositions of composers like Gershwin and others of that kind. Also included under that classification was the program each weekday morning one hour known as the Musical Clock, which, although it is predominantly made up of popular music, it also includes time signals, weather reports, news, martial music and such, but I offer that as an explanation of what is meant by popular music. Everything predominantly popular music was given that classification.

Under sports the classification is made up of actual broadcasts of sporting events such as baseball games of the major leagues in Chicago.

Under semiclassical music all music of the ballad type of music and melody type, such as those of Victor Herbert and others of that kind, and the works of Stephen Foster, all of the music of that nature appears under that heading.

Under news these were actual news broadcasts of all natures, local, state, and national, including any political reports and sports news not sports events.

Under educational, the programs under this classification were exclusively educational in nature, being talks either from ma-

terial furnished to the station or made by persons in authority on educational matters. Of course, many of the regular programs of the station also have educational features, but unless the entire program was devoted to education it was not classified under this heading.

Under dramatics, this classification included all plays of either single or serial form with the exception of those that were listed under children program headings.

Classical music, this includes the works of the famous master composers such as Beethoven, Bach, and many of those.

Under Children's programs, this includes dramatic series such as our Adventures of Jimmy Allen, Tenderfoot, The Kids
198 Next Door, as well as the program which is known as Uncle Tom, which is a period set aside each weekday evening to remember and dedicate numbers in the Dubuque area.

Under religious programs, this includes the United Sunday Services which are broadcast each Sunday morning under the direction of the Dubuque Protestant Ministers Association, and also a program each weekday morning known as Country Church, which consists of hymns, a short sermon and prayer. This also includes any special features for annual religious days.

I might mention at this point, that several other programs on the station, such as The Old Lamplighter are semi-religious in classification, but are not listed under this classification of programs.

The folk music classification includes hill billy and other programs of folk music such as John Dietz.

Farm programs, this includes only the programs which are devoted exclusively to soil and crop problems. Of course, there is very little difference between the farm and the city people in the Dubuque area, consequently all programs must be made of interest to all people.

Under civic, special events, and miscellaneous, this includes such programs as the "Man on the Street," "The Old Lamplighter," "Traffic Court," and "Louis Rosenfeld with his Theatrical Stars of Days Gone By."

I believe that covers all of the classifications.

Q. Have you made an analysis of the programs contained in Exhibit No. 17 to determine the amount of time devoted to sponsored programs and to sustaining?—A. I have.

Q. I show you what has been marked WKBB Exhibit No. 21 and ask you if that is the result of that analysis.—A. It is.

Q. Is that exhibit correct?—A. It is.

Mr. ROLLO. I offer in evidence at this time, WKBB Exhibit No. 21.

The EXAMINER. WKBB Exhibit No. 21 is admitted in evidence.

(The document referred to was received in evidence, marked "WKBB Exhibit No. 21, Docket No. 4031," and is filed with the transcript in the possession of the Commission.)

199 By Mr. ROLLO:

Q. Mr. Carpenter, I now show you has been marked WKBB Exhibit No. 22, and ask you to describe it, please.—A. This is an analysis of the programs of Radio Station WKBB from April 1st, 1936, until and including September 12th of this year, showing the types of program, the number of hours operated by the station, and so forth.

Q. On page 2 of the exhibit I notice under Navy programs there is a correction. Will you explain that correction, please?—A. Yes; there is a correction. In gathering the material for this exhibit and in preparing it I was erroneously informed that a program by the Navy had been scheduled for last week. I found it was scheduled for the following week; that is, this present week that is in existence now, a semiweekly five-minute program by the recruiting officer of the Navy, and rather than take time to retype the entire exhibit I merely crossed it out.

Q. I also notice a correction in miscellaneous that the figure 24 had been crossed out and the 23 written in. Will you explain that, please?—A. That is right. Sheriff Tom Ryder was scheduled for a safety talk over our station last Thursday evening at 6:45, but due to the press of some other business it was impossible for him to be there and he did not appear, so his name has been crossed off of the list.

Q. Would that make a difference in the total of 24 quarter hours shown under that type of program?—A. Yes; it would make it 23 quarter hours.

Q. Now, will you tell us whether or not each of the various types of program you have listed on this exhibit are carried as regular features, taking them one by one?—A. You mean explain each of the programs that are listed there?

Q. Yes; in so far as whether or not they are regular features of the station.—A. The number of educational programs broadcast is 834; the number of organizations broadcast is 126 quarter hours in the last 165 days, including the Y. M. C. A., the Y. W. C. A., Hull House, Field Museum, University of Chicago, Household Science Institute, et cetera, carried as regular weekly features over the station, as can be told by the fact of their number of appearances.

200 Health Talks are regular once-a-week features over the station, made by local doctors and dentists.

The Parent-Teachers Association was a regular feature over the station during the past school term. Inasmuch as school is just now commencing we have had no talks as yet this year by the Parent-Teachers Association, but they were regular until the close of school last year.

Americanism programs, they were regular up until last year's close of school.

First Aid programs have continued each Sunday afternoon for 20 weeks, and will continue.

Homemakers' programs is a regular daily feature over the station except Sunday.

Likewise is the Fashion Parade a regular feature over the station except Sunday.

Book reviews are regular weekly features.

Dubuque history and travel for the past 15 weeks has been a weekly feature and will continue so.

Weather Bureau is a regular feature. Of course, we cooperate very closely with the Weather Bureau.

Q. While we are on that, tell us what you carry in the way of weather forecasts?—A. In the Homemakers' program which bears the title "Your Home" each morning, we include a shoppers' weather forecast, which is merely a forecast for Dubuque and vicinity and for the balance of that day.

From 12:25 to 12:30 o'clock approximately each day except Sunday we give the official weather forecast as prepared by the Weather Bureau Department in Dubuque.

We again forecast weather for Dubuque and vicinity, for Wisconsin, for Iowa, and for Illinois, and in addition we forecast for the river and the river stations, the river bulletin it is called.

We give also the weather conditions in the past 24 hours, and that is the way it is given to us. It is a complete reading of the weather maps furnished by the United States Department of Agriculture Weather Bureau.

Also at 6:00 o'clock in the evening we give a final short forecast, which is a repeat of the local forecast.

Q. Proceed with the other items on that exhibit.—A. Under World Bookman, this is a regular feature over the station.

201 The Humane Society was only during Humane Week, as it is noted. We opened our facilities to them for what they requested.

Under Civic Music Association, this was during their particular drive this summer when we gave them time on the station.

The Navy program I have explained already, I believe.

Under Special Day program, we of course on all special days carry programs, and in that connection a Flag Day program is given, a Memorial Day program which is an hour and we have

a special program on Grand Army Day. We had two quarter hours at the close of public schools last year, primarily on safety and two quarter hours at the parochial schools last spring talking safety, since the children would be on the streets at the close of school. There was of course a special program on the 4th of July.

Under Civics, we have talks from certain civic and educational leaders of our community.

I show a list also of the number of farm programs that have been broadcast by WKBB from April 1st to September 12th, talks given by the County Agent, which is the agent of Dubuque County, Frank Carrigan. You will notice under that item we show 12 half hours in addition to the quarter hours. Those half hours were when the farm program was extended in order to take care of special requests by Mr. Carrigan.

I remember in particular one of those was in connection with barberry eradication in the territory surrounding Dubuque, and we gave special time to an interview with Mr. Bauer of the United States Department of Agriculture on the barberry eradication problem.

In addition to that, during the time when grasshopper eradication and control was quite a problem, we had an additional broadcast on that subject, and the same thing is true of the white grub, as I recall, and one other special program I don't recall for the moment just what it was.

Religious broadcasts are also listed there showing the services in the half hours which were given at the United Sunday Service of the Ministerial Association. Quarter hours are most of them over the A. B. C. network. Of course there are special programs such as hour programs which come on Palm Sunday, Easter Sunday and other religious days.

202 The three-hour program was on Good Friday when we gave very much of a union service, getting together for the first time not only the Protestant but the Catholic people of Dubuque, where Monsignor Wolfe gave a talk on the Seven Last Steps, and he was supported by a United Protestant Choir.

The next item, Civic Affairs, Interviews and Public Service show such programs as the Man on the Street which is our regular daily inquiring reporter news.

Club News and Social Calendar is a regular feature over the station. I mention on this also the arrival of the "Green Diamond" which was the arrival of the special streamlined train, where 5,000 people gathered for the special broadcast, and the main reason for the broadcast was that the Governor of Iowa, Governor Herring was on the train, and we broadcast his short address.

For Senator Murphy of Dubuque, who died a short time ago we held a regular memorial service, where there were talks by Senator Walsh of Massachusetts, Senator William Dietrich of Illinois, Senator Duffy of Wisconsin, Representative Gaughn of Delaware County, Governor Herring of Iowa, and Lieutenant Governor Kraschel of Iowa, with these men eulogizing the memory of Senator Murphy.

The EXAMINER. At this time we will take a recess until 1:00 o'clock.

(Whereupon at 12:00 o'clock noon a recess was taken until 1:00 o'clock p. m. of the same day.)

AFTERNOON SESSION

(The hearing was resumed at 1:00 o'clock p. m., pursuant to the taking of the recess at noon.)

The EXAMINER. Proceed with your examination.

Whereupon JAMES D. CARPENTER the witness on the stand at the time of the taking of the recess, resumed the stand and testified further as follows:

Direct examination (continued) by Mr. ROLLO:

Q. Mr. Carpenter, prior to the recess you were discussing WKBB Exhibit No. 22, and if I am not mistaken had just concluded your remarks on the "Man on the Street" program appearing on page 3 of the exhibit under Civic Affairs, Interviews and Public Service.—A. I think, Mr. Rollo, I was a little bit farther than that. I had just finished with Senator Murphy's memorial service that we had broadcast there.

Q. Now, will you continue your discussion from there on?—A. Yes, sir. I mention as one item of public service the broadcast direct from Davenport of the Western Open Golf Finals, which came to us over the Affiliated Broadcasting Company, Davenport being some 60 to 65 miles airline from Dubuque, and this being a sporting event it was pretty closely followed in Dubuque. We classed that as public service.

In addition to the Americanism programs sponsored by the American Legion toward the close of the last school year in June of 1936 we also broadcast regular weekly programs under the sponsorship of the American Legion, which also discontinued at approximately the same time.

Under the classification of "Police Headquarters"——

Q. (Interposing.) Will those programs be resumed again when the school year commences?—A. It will depend entirely of course

upon the American Legion and the availability of their people, and that type of thing. As far as the station is concerned we are very happy to have it continue.

As to the classification "Police Headquarters" we have no complete record, because it would be impossible to give the number of minutes or periods that were taken up by the Police Department. We make daily contacts with the City of Dubuque Police Department either by telephone or by personal call, and as testified in the depositions by the Chief of Police Giellis, I think the record speaks for itself on the complete cooperation that we gave to the Police Department for the broadcast of any accidents, deaths, missing persons, or stolen property. That same is true of the sheriff's office for county news.

"Conservation Week in Illinois" is mentioned here because during that week we carried six quarter hours, which were broadcast, and one-quarter hour of that time was personally by Governor Horner of Illinois, and there were five other broadcasts by persons in the Conservation Department.

204 The "City Rescue Mission" has broadcast many appeals over the station, several since I have been connected with the station, appeals for funds, or clothing, to take care of the unfortunates of the City Rescue Mission.

The "Visiting Nurse Association" I have no definite record on of the actual number of times broadcast, but we have offered and they have made use of complete cooperation of the station.

The "Ministerial Association" has a radio committee, or that is the Dubuque Protestant Ministerial Association has a radio committee that each year assigns the different ministers belonging to the association to certain Sundays where they are to take part in the United Sunday Services over WKBB.

The Dubuque Women's Club has arranged with the station to broadcast a program on each annual day of national importance, such as Constitution Day and Discovery Day, and so forth.

The Humane Society I think I mentioned once before as having programs during Humane Week.

Notre Dame University at South Bend, Indiana, has quite an alumni group in Dubuque, and we broadcast their annual program, not in its entirety, but we took recognition of that and made a special broadcast for the Notre Dame alumni.

As to the Mobilization for Human Needs, the Community Chest, we have offered the complete cooperation of the station.

And the same way with the Red Cross.

I believe I explained the Weather Bureau, with the exception of the fact that during extreme weather either hot or cold, we have broadcast almost hourly reports from the Weather Bureau to give the temperature and the forecast for the following day.

The Y. M. C. A. and C. Y. O., the Young Men's Christian Association and the Catholic Youth Organization both have regular weekly programs over the station. And mention is made of the Farm Bureau picnic and dance. This is a remote broadcast where we pick it up with out charge of course to them.

Athletic Events on our record show from our logs that we have broadcast many football and basketball games of
205 the local high school and Columbia College, and also some football direct from Iowa City, the University of Iowa.

As far as the coverage of local sports news is concerned, we have a daily review, and in this period in addition to general sports news we give interviews with sports celebrities of baseball, boxing, wrestling, golf, and tennis, particularly Dubuque celebrities.

The next classification of programs on the exhibit shows the number of children's programs broadcast and lists the types of programs those are, Air Adventures of Jimmey Allen, which I believe needs no explanation, as it is carried over a great number of stations; Tenderfoot and the Kids Next Door, both of which features are carried by the Affiliated Broadcasting Company.

Uncle Tom is a program which we set aside each evening and dedicate to the birthdays of the young children, and all they have to do is to send in a postcard or letter to the station giving the name of their birthday, and we broadcast a number and dedicate it to that particular child.

As to the reading and dramatization of the comic strips, I think goes without saying.

Number of News Broadcasts is next. We have regular news periods for local and national news, four periods daily, except Sunday. Two of those are five-minute periods in the morning at 9:15 and 10:15. There is one at the noon hour from 12:15 to 12:30, and one evening period from 7:00 to 7:15. In addition to that, from 9:45 to 10:00 each night, we have a dramatized period of humorous incidents from the day's news.

We have daily a quarter-hour program which features club and social news at 1:00 o'clock every day.

We have our sports review news program in the evening at 6:00 o'clock.

On Sundays we carry the Remington Rand program of "The News Comes to Life." And then included in news would be any number of these special broadcasts from the police and the sheriff's headquarters.

Q. Was this exhibit which you have just described prepared by you?—A. It was.

Q. And is it correct in every detail?—A. Yes.

Mr. ROLLO. I offer Exhibit 22 in evidence.

The EXAMINER. WKBB Exhibit No. 22 is admitted in evidence.

206 (The document referred to was received in evidence marked "WKBB Exhibit No. 22, Docket No. 4031," and is filed with the transcript in the possession of the Commission.)

By Mr. ROLLO:

Q. I now hand you what has been marked "WKBB Exhibit No. 23" and ask you to describe it, please, page by page.—A. This is a Market Data and Survey Information Book, as we call it. It gives Dubuque market data concerning the population, population analysis, buying-power indices, transportation facilities, the principal industries, the wholesale and retail outlets, and other miscellaneous information.

It shows also some of the retail zone data for WKBB.

It gives a coverage map of primary and secondary coverage of the station as shown by engineering measurements of the inner-line to the .5 millivolt contour daytime, and the outerline the .1 millivolt contour.

Q. Is that map, do you know, the same one that was introduced through Mr. Page?—A. It is. That map was prepared by Mr. Page. It describes also a survey conducted in the City of Dubuque during the week of July 27th, and the following pages are devoted mostly to the explanation of that survey, with the exception of the last two pages, which——

Q. (Interposing.) Just a moment. On this survey, that was a telephone survey?—A. That was a telephone survey.

Q. Will you describe how that survey was conducted?—A. I will read what is there if you would like. It says:

"In order to determine with accuracy the listening habits of radio-set owners in Dubuque special telephone operators were engaged to secure answers to certain key questions, which are shown on the survey form appearing on the following page.

"From the city telephone directory pages were taken at random and the operators telephoned the residence numbers listed on those pages. When the 'phoned telephone was answered the operator made the following statement and asked the following question:

"'Good morning' (afternoo' or evening, depending upon the time of day). 'We are making a radio survey of the city. Will you answer a few short questions, please?'

207 "If the answer was 'Yes,' the operator then proceeded to ask the questions as listed on the form, checking 'Yes' or 'No' for the first three questions and filling in the call letters of the stations which were given in answer to question No. 4.

"During the four days," and incidentally there is an error which was made, as the survey consumed five days, and has never been corrected in this survey.

"During the four days consumed in making the survey the number of completed calls totalled 2,282. Since there are 9,141 telephones listed in the city telephone directory, this represented a survey of 25 percent of the homes in Dubuque. 10 percent is usually regarded as sufficient for survey purposes, but this greater percentage was taken in the interest of absolute accuracy.

"At no time did the operators divulge that WKBB was in any way connected with the making of the survey, so that persons responding were in no way influenced in their answers.

"After filling in the forms in accordance with the answers received, the operators signed and dated the forms, testifying to their accuracy.

"The facts concerning listening habits in Dubuque as disclosed by this survey are shown on the following page."

Q. Did you supervise the telephone girls making the calls?—A. I did.

Q. Were you present during the five days that these calls were going on?—A. Not every minute of the five days, no; but I was present in and out of where the survey was being made constantly.

Q. Did you personally tabulate the result of those telephone calls?—A. With the assistance of the operators I did.

Q. And would you describe now the following pages?—A. The first page immediately following the one which I have read shows a copy of the survey which was used.

The page following that gives the answers of the 2,282, "Yes" or "No" to question No. 1.

And then the 2,142 questionnaires on question No. 3.

The next page shows questions Nos. 3 and 4 interpreted with the results.

The next page shows the answer to question No. 2 determining the times of day when people in Dubuque listen to radio.

208 Following that we have included in this book a program analysis which is charted, and then on the following page, taking a typical week, the programs for the week of August 16th of this year.

Q. You were, of course, connected with the station during that week?—A. I was. I made this analysis.

Mr. ROLLO. I offer that exhibit in evidence.

Mr. LOVETT. Mr. Examiner, I object to the introduction of this in evidence insofar as it covers information not received by the witness. He states he was present during some of the time when

certain telephone operators asked questions. He did not hear the questions. The answers are dependent entirely upon the accuracy with which the operators took down the information at hand. Unless those operators are present to testify as to how it was conducted and what was stated I do not think it is competent, and object to it on that ground.

The EXAMINER. The objection is overruled. Exhibit No. 23 will be admitted in evidence.

(The document referred to was received in evidence, marked "WKBB Exhibit No. 23, Docket No. 4031," and is filed with the transcript in the possession of the Commission.)

By Mr. ROLLO:

Q. I now show you what has been marked "Applicant's Exhibit No. 24" and ask you to describe it, please.—A. This a program analysis of the programs on Station WKBB from April 1, 1936, to September 12th, inclusive, on analysis made quite similar to Exhibit No. —, whatever it was.

Q. You have reference to the exhibit——A. For the two weeks' program.

Q. For the two weeks' program?—A. The last two weeks preceding this hearing.

Q. Was this prepared by you?—A. It was.

Q. Is it correct?—A. It is.

Mr. ROLLO. I offer Exhibit 24 in evidence.

The EXAMINER. When did you first come with the station?

The WITNESS. March the 28th.

209 The EXAMINER. All right. Exhibit 24 will be admitted in evidence.

(The document referred to was received in evidence, marked "WKBB Exhibit No. 24, Docket No. 4031," and is filed with the transcript in the possession of the Commission.)

By Mr. ROLLO:

Q. I now show you what has been marked WKBB Exhibit No. 25, and ask you to describe it. A. This is a transcript of the talent file of used talent over WKBB. We keep a file of all available talent in the Dubuque area, and this represents the portion of the file which has been marked as having appeared over the station.

(Discussion off the record.)

The EXAMINER. All right, proceed with your questioning.

By Mr. ROLLO:

Q. You described the Exhibit 25, the talent file, did you not?—A. Yes.

Q. Was this exhibit prepared by you?—A. It was.

Q. And it is correct?—A. It is correct and taken from the talent file.

Mr. ROLLO. I offer Exhibit 25 in evidence.

By the EXAMINER:

Q. Let us see. Did you contact these people?—A. No, sir. This was taken from our talent file.

Q. How was that built up?—A. That has been built up by our program department. They keep a complete record of the talent.

Q. These people have appeared from time to time on the programs?—A. That is right.

Q. I see.—A. You see, we have a talent file which shows the talent in the Dubuque area.

Q. Yes?—A. That is as near as we know what it is, and we divide that into two sections. Of course, we classify the type of music or type of talent that each different card in that file
210 is. Then we divide that into two sections, whether they have been used, or have not been used over the station.

Q. So this is the used talent?—A. This is taken from the used talent file.

Q. How recent was this compiled?—A. Well, the talent file has been in existence this particular talent file, I would judge, for a year and a half. The compilation was made just last week.

Q. These people all live in that community, do they?—A. Oh, yes, or the surrounding community.

By Mr. LOVETT:

Q. They were used over the past year and a half, is that right?—A. I would judge so. Frankly, the talent file has been in existence I believe about a year and a half.

The EXAMINER. Exhibit No. 25 will be admitted in evidence.

(The document referred to was received in evidence, marked "WKBB Exhibit No. 25, Docket No. 4631," and is filed with the transcript in the possession of the Commission.)

By Mr. ROLLO:

Q. I now show you what has been marked WKBB Exhibit No. 26 and ask you to tell us what it is.—A. This is a list of advertising accounts appearing from the records on the books of the station as having used the station during this current year of 1936.

Q. And was that exhibit prepared by you?—A. It was.

Mr. ROLLO. I offer Exhibit 26 in evidence.

By The EXAMINER:

Q. Is there any advertisers who have ever applied for time and who have been denied?—A. There have not been, other than the liquor advertisements which have been turned down.

Q. I mean legitimate, I mean commercial advertisers outside of liquor and patent medicines? I mean by that that you have ample space for them?—A. Yes, sir. The commercial analysis that was offered in evidence shows that.

211 The EXAMINER. Exhibit No. 26 will be admitted in evidence.

(The document referred to was received in evidence, marked "WKBB Exhibit No. 26, Docket No. 4031," and is filed with the transcript in the possession of the Commission.)

By Mr. ROLLO:

Q. I now show you what has been marked WKBB Exhibit No. 27 and ask you to describe it.—A. This is also taken from the billing records of the station showing advertisers in the past who have used WKBB.

Q. Do any of the advertisers appearing on Exhibit 26 appear on Exhibit 27?—A. They do not.

Q. None of these advertisers are now using Station WKBB.—A. No; because a good many of them are seasonal and are due for fall advertising this year, and the records show they were fall advertisers last year.

Q. Was this exhibit prepared by you?—A. It was.

Mr. ROLLO. I offer Exhibit 27 in evidence.

The EXAMINER. The exhibit is admitted in evidence.

(The document referred to was received in evidence, marked "WKBB Exhibit No. 27, Docket No. 4031," and is filed with the transcript in the possession of the Commission.)

By Mr. LOVETT:

Q. May I ask over what period this is. Is that since the operation of the station in Dubuque?—A. That is right.

Q. Up to the first of this year?—A. That is right.

By Mr. ROLLO:

Q. I now show you what has been marked WKBB Exhibit No. 28, and ask you to tell us what it is, please.—A. This is taken from my own personal prospect file of advertisers in Dubuque who have never used the station, and upon whom calls during the past six months have been made.

Q. Does this include all prospective advertisers in Dubuque that haven't used the station to date?—A. My determination of them has been that they are other than accounts who have used WKBB in the past, the best prospects for radio advertising in Dubuque.

212 Q. Are there any other business organizations in Dubuque that have not used WKBB which have not been included in this exhibit?—A. Yes; there are.

Q. Would they be prospective radio advertisers?—A. That of course is hard to determine. Offhand I would say most of them would not be, because there are some 140 taverns in Dubuque that I would not class as prospective radio advertisers. There are several small markets and a number of small grocery stores and small drug stores that I would not classify as prospective radio advertisers, and they do not appear on this list. And there are any number of very small accounts that I think would in a large measure be a waste of time to try to get on any regular advertising basis by radio.

Q. Have you attempted to sell radio time to the concerns enumerated on this exhibit?—A. Either myself or other persons in the sales department. I have the majority of them there.

Mr. ROLLO. I offer Exhibit No. 28 in evidence.

The EXAMINER. Exhibit 28 will be admitted in evidence.

(The document referred to was received in evidence, marked "WKBB Exhibit No. 28, Docket No. 4031," and is filed with the transcript in the possession of the Commission.)

By Mr. ROLLO:

Q. Mr. Carpenter, I show you Telegraph Herald Exhibit No. 6, which is a list of some 60 advertisers that have been contacted by them for radio advertising. Will you tell me which if any of those advertisers have advertised over Radio Station WKBB?—A. Do you wish me to enumerate and name the ones that have, or just the number of them, or what?

Q. I think you better enumerate them.—A. J. F. Stampfer Company, Hartman's Furniture Company, Belsky Motor Company, Grand Theatre Corporation, Firestone Service Station, Mulligan Battery & Electric Company, R. Hermann & Son, Furniture; Leath Furniture Store, Midwest-Timmerman Company, Jordan-Fields Clothing Company, Linehan & Molo, Kinney Shoe Store, Landon Furriers, Model Wall Paper & Paint Com-
213 pany, Lange Dying & Cleaning Works, Kassler Motor Company, Mullen Brothers, Sommerfeld's Cleaners, L. B. Wertz Meat Market, Dubuque Star Brewery, Big Shoe Store, Roehl-Phillips Furniture Company, Renier Music House, Ruprecht Brothers Company, The Hub Clothiers, Kies Bootrie, Inc., Hartig Drug Company, Dubuque Tire & Battery Company, Sibbing Jewelry Store, Montgomer-Ward & Company, Kraft Clothing Store, Enzler Trunk & Luggage Company, and the Rhomberg Fur Company, a total of 33.

The EXAMINER. How recent have those people advertised, do you know?

The WITNESS. During 1936. I gave a list of 33. Of that list 18 have advertised this year.

By Mr. LOVETT:

Q. In order to make the record easier to examine later might we ask how frequently?—A. P frequently?

Q. Those 18 have broadcast.— Or how recently?

Q. Both.—A. All right. We v take during 1936; the J. F. Stampfer Company first carried a half hour daily over the station until, I believe, sometime in February. Now, that was before my connection with the station, and I personally do not know the exact time which they discontinued; I don't know whether February or March. It was along in there sometime.

Hartman's were daily advertisers over the station until July of this year, when they asked for a discontinuance during the summer months.

The Belsky Motor Company has carried a regular weekly program. That is a tri-weekly program, three times a week, which is now on our suspension list until the 1st of October.

The Grand Theatre Corporation advertise daily over the station at the present time, and have for quite some time.

The Firestone Service Stores advertised until the 3rd of July.

The Mulligan Battery & Electric Company advertised during the period from June 15 to August 15, I believe.

R. Hermann & Son, Furniture——

Q. (Interposing.) Was that spot announcements?—A. Spot announcements for Mulligan. Many of these are not spot announcements. Do you want me to go back and give the others?

214 Q. Yes.—A. To go back, the J. F. Stampfer Company had a half-hour daily program.

Hartmann's was a 10-minute daily program.

Belsky's was three 15-minute programs a week.

Grand Theatre Corporation was a weekly program until in July, I believe, when it became a spot announcement program during the summer months.

Firestone Service Stores carried an announcement in conjunction with the Jimmy Allen series which ran five nights a week.

The Mulligan Battery & Electric Company was an announcement advertisement.

R. Hermann & Son were also an announcement advertiser.

The Leath Furniture Store sponsors a daily 15-minute program over the station at the present time.

The Midwest-Timmerman Company carried three quarter-hour periods weekly until sometime in July, at which time it was suspended during the summer months until fall.

Q. In each case this is from January 1st so far as you know?—A. Well, a lot of them so far as I know. As to Leath that was

not January 1st. They were sold on radio for the first time—that is, on a definite daily-schedule basis—in July.

Jordan-Fields carried spot announcements several times a day during the spring season, and they have not during the summer. It is a clothing company.

Linehan & Molo has carried spot announcements.

Kinney Shoe Store carried several spot announcements during special sales.

The Landon Furriers had——

Q. (Interposing.) Are they on now, those last two?

A. No; neither one of those are on now. The Landon Furriers ran until, I believe, February or March. And I know that was just before my time. It was a daily feature program.

The Model Wall Paper & Paint Company during the spring housecleaning season and the summer paint season ran announcements. Of course, I could enumerate here also, if you want it, what their plans are for fall.

215 Q. No; just give the list.—A. The Lange Dying & Cleaning Company ran spot announcements and are not on at the present time. The Kassler Motor Company has a contract with us that is to begin soon. It has not as yet started, but the contract is on file.

As to the Dubuque Tire & Battery Company, that is not one I gave as this year, nor the Sibbing Jewelry Store, because that was last fall season.

The Kraft Clothing Store has a daily program over our station. These daily I speak of are daily except Sunday.

And the Rhomberg Fur Company had a daily program over the station until sometime in February or March, I believe.

Q. Spot announcement?—A. Programs.

Q. You say programs. You mean five minutes?—A. By programs, I mean five to fifteen. I mean 15 with the exception of, I believe, two, one of which was a half an hour. The other one was five minutes.

Mr. LOVETT. Thank you.

By Mr. ROLLO:

Q. I now show you Telegraph Herald Exhibit No. 5, which is a list of program material, headed "Additional Program Material." Will you state whether or not any of that talent appears over WKBB, or has appeared?—A. I would say Ray Alderson's orchestra appeared over the station; I do not know how frequently.

The Aces of Melody, from Shullsburg, Wisconsin, the Columbia College Military Bank listed here, the Columbia Academy Band, the Soprana Accordion Club listed here under the direction of Vince Chewning, ministers from Wartburg Theological Seminary, Juanita Heim, Red Hittenmiller, who has appeared quite fre-

quently, and without checking one for one there, I really can't say. Some of these names are not quite familiar. I think those have appeared.

Q. A comparison of the talent file of WKBB would not doubt show others, would it not?—A. Yes. And Bill Zumhof I see on here. Quite often over the station.

By Mr. LOVETT:

Q. None of these are appearing at the present time, is that right?—A. Yes; some of them are. It is awfully hard
216 out of a clear sky in five months' association in Dubuque to know the talent other than with a file on hand.

By Mr. ROLLO:

Q. If you know, are there any appearing at the present time?—A. Zumhof is the only one there that I can see without going into the file that is appearing there at the present time.

Q. I now show you what has been marked "WKBB Exhibit No. 29," and ask you to describe it, please.—A. This is a copy of the local advertising rates of Radio Station WKBB for sponsored programs and spot announcements.

Q. Was that prepared by you?—A. It was.

Q. Is it correct?—A. It is.

Mr. ROLLO. I offer the exhibit in evidence.

The EXAMINER. Exhibit 29 will be admitted in evidence.

(The document referred to was received in evidence, marked "WKBB Exhibit No. 29, Docket No. 4031," and is filed with the transcript in possession of the Commission.)

By Mr. ROLLO:

Q. Mr. Carpenter, what attempts have you made since your association with the station to obtain program listings in the Telegraph Herald?—A. At the time that Radio Station WKBB became affiliated with the Affiliated Broadcasting Company on the 14th of September, to be exact, of the opening program, and continuing for a period of five weeks I sent the——

Q. (Interposing.) Just a minute. What date did you state?—A. The 14th of April.

The EXAMINER. What year?

The WITNESS. This year; 1936.

The EXAMINER. Go ahead now.

A. (Continuing.) I sent to the Telegraph Herald complete programs of the Affiliated Broadcasting Company, as indicated, for the outlet over the local Station WKBB. I did that for a period of five weeks, together with publicity releases concerning the outstanding programs of the Affiliated Broadcasting Company.

The EXAMINER: Who is the Affiliated Broadcasting Company?

217 The WITNESS. The Affiliated Broadcasting Company has as its president Mr. Samuel Insull. At the time of the beginning of the organization the vice president in charge of production was Mr. Ota Gygi. The assistant to Mr. Insull and the national salesmanager as I recall was Mr. George Roessler.

The EXAMINER. Is that a Chicago concern?

The WITNESS. Yes; in Chicago. The programs are originated on the 42nd floor of the Civic Opera Building in Chicago together with any other remotes that happen to be of interest throughout the Middlewest.

The EXAMINER. Go ahead.

By Mr. ROLLO:

Q. Over what section of the country does that network extend?—A. The network includes stations in Indiana, Illinois, and Wisconsin, and our station to serve a portion of Iowa, the station in St. Louis, Missouri, one station there is also included, and at the start a station in Minneapolis, Minnesota, was included which I understand has been dropped during the past month.

Q. Now, referring back again to the mailing of your program lists to the Telegraph Herald, did they ever appear in the Telegraph Herald?—A. They did not.

Q. Have you done anything else, made any other attempts to cooperate with the newspaper since your association with the station?—A. I recall shortly after my coming to the station—I will put it this way—we received from the World Broadcasting System, for example, publicity material concerning their Musical Moments, a program which is for the Chevrolet Motor Company, and features Rubinoff and his violin and Jan Pierce, and a few other very outstanding artists. They sent publicity releases to the station for forwarding to the local newspapers. That is done all over the country by the World Broadcasting System, as I understand it. I received a letter from the Mathey Chevrolet Company, the local Chevrolet dealer, wanting to know why these publicity releases never appeared in the Telegraph Herald.

Mr. Mathey had noted on his letter that a copy had been sent to Mr. Woodward of the Telegraph Herald. I in turn replied to Mr. Mathey, sending a copy of my letter to Mr.
218 Woodward, in which I stated that I did not know all of the reasons behind the failure of the Telegraph Herald to cooperate in publishing program listins or material with relation to programs, and that I would welcome some way that the station and the Telegraph Herald could get together upon an amicable basis.

By The EXAMINER:

Q. Did a copy of that letter go to Mr. Woodward?—A. A copy of the letter was sent to Mr. Woodward.

Q. Did you ever get a reply from him?—A. I never had any reply.

Q. Have your local programs ever appeared in the Telegraph Herald?—A. They have not.

Q. Columns?—A. They have not since my time there.

Q. I am talking about since you have been there?—A. Never.

Q. Have you ever submitted any of them?—A. The local programs? No.

Q. Why didn't you?—A. Because I had understood the attitude of the Telegraph Herald, and when I attempted to get even chain programs published I thought there would be no use sending local programs if they would not publish the chain programs.

Q. Aren't there other chain programs published in the paper?—A. The National and Columbia are published in the paper.

Q. Do you know whether they are paid for or not, or are they just published free?—A. I do not know.

The EXAMINER. That can be developed later. Go ahead.

By Mr. ROLLO:

Q. Have you ever broadcast any programs in which you mentioned the Telegraph Herald?—A. Yes; we have.

Q. Will you describe that, please?—A. In the spring of 1935, which was before my affiliation with the station, as a representative of the Radio Transcription Company of America, I called upon Mr. Klauer in Dubuque.

I sold Mr. Klauer a series of programs known as Front Page Headlines, which were designed for a local radio station to give publicity to a newspaper.

And when I went there on a subsequent trip, still in the spring of 1935, I heard the first of the series go on the air,
219 dedicated to the Telegraph Herald of Dubuque, Iowa.

The exact wording I do not remember, but it was dedicated to the Telegraph Herald and Times-Journal and Dubuque News. Now, there was a series of those programs. I heard the first of them. I do not know about the balance.

Q. You know the first one was actually broadcast?—A. I know the first one went on the air. I was present.

The EXAMINER. What was the nature of those programs?

The WITNESS. They were dramatized stories of newspaper life, showing the trials and tribulations of reporters and so forth in securing news.

By Mr. ROLLO:

Q. Mr. Carpenter, I now show you WKBB Exhibit 1-A, 1-B, and so forth, being copies of the newspapers of the Telegraph Herald, and ask you to look through those and tell me whether you can find any reference to WKBB radio station in the news columns, in the advertising, or on the radio page.

(Discussion off the record.)

Mr. ROLLO. Let me withdraw my last question, which has not been answered yet, as to examining the newspapers, since that will be covered later, as I understand it.

The EXAMINER. All right.

By Mr. ROLLO:

Q. Now, Mr. Carpenter, since you have been connected with the station what has been your experience with regard to the time of day or night that civic organizations have requested time generally?—A. Naturally, that has varied.

Q. Let us take some of the specific examples shown in your program of Safety Talks, such as the city manager and chief of police and so forth, what time have they usually requested?—A. They requested and were assigned the time from 6:45 to 7:00 in the evening.

Q. How about your Emergency Calls that you have broadcast from the sheriff's office and Weather Bureau?—A. The Emergency Calls have come all hours of the day and evening. I would say they would be very much evenly divided.

Q. How about the American Legion programs?—A. They requested evening time.

220 Q. And have you given them evening time?—A. We gave them evening time.

Q. How about your basketball games?—A. Our basketball games are played at night.

Q. How about your football?—A. As to football some were night games at the lighted athletic field, but some also were day games.

Q. How about your music recitals?—A. As to music recitals I have personally received no request to broadcast music recitals.

Q. Do you have any particular problem in getting live talent during the daytime?—A. Yes.

Q. What is that problem?—A. Naturally we do, other than on Saturday afternoon or Sundays. We have a problem that most of the talent in Dubuque works at other jobs and are busy during the day.

Q. Is it true then that they are only available in the evening for broadcast purposes?—A. Most of them; yes.

Q. How about your special day programs that you have discussed previously?—A. Special day programs mostly appeared during the daytime.

Q. How about the miscellaneous talks listed on one of the previous exhibits?—A. Those are about evenly divided between day and night.

Q. Now, did you hear Mr. Arndt's testimony with reference to the program service that he proposed?—A. I did.

Q. Do you recall he testified orally as to several programs which he proposed that were not now available over the existing station, or available to the area which they propose to serve? One of those was what he called "Safety Flashes." Can you tell us whether or not WKBB broadcasts anything along that line?—A. I still cannot understand what is meant exactly by Safety Flashes there. As far as the station is concerned we have on numerous occasions broadcast safety talks by officials of the city government and the county authorities.

Q. Have those broadcasts been on safety subjects?—A. Oh, yes.

Q. Do you have anything like that on a regular basis?—A. We have at 6:45—it was scheduled up to the time I left; I assume that everything is continuing along—to 7:00 every Monday evening set aside for safety talks.

221 Q. He also mentioned weather reports. I believe you have covered that in your testimony.—A. Yes.

Q. He also mentioned the Telegraph Herald women's program. Do you have anything similar to that?—A. We carry two women's programs daily, one of our own origination at 9:30 each morning for 15 minutes, and one originating from the Affiliated Broadcasting Company at 10:30 each morning.

Q. He also mentioned Book Reviews. Do you have anything similar to that?—A. We have a Book Review each Monday afternoon. The time I believe is 4:30.

Q. He also mentioned a Morning Devotional period to be conducted by the Ministerial Association. Do you have anything similar to that?—A. The Ministerial Association conducts a Sunday morning devotional period over our station each Sunday morning. In addition we have a church service program originating from the studios of the Affiliated Broadcasting Company at 9:00 o'clock each weekday morning.

Q. He also mentioned news commentators. Do you have anything similar to that?—A. We have a program of news comments on each Monday and Thursday evening at 8:15.

Q. He mentioned sheriff's programs. Do you have anything like that?—A. We have offered the facilities of the station to

the sheriff's office, and we broadcast numerous reports from the sheriff's office each da.

Q. How about the Police Department?—A. The same would apply to the Police Department.

Q. I think he also mentioned travel talks.—A. We have a period each Thursday evening, I believe it is at 7:45, with reminiscences of the history of Dubuque and travel talks as conducted by Bertha Lincoln Huestis, who is quite well known in Dubuque.

Q. He also mentioned sports reviews. Do you have those?—A. We have a sports review each weekday evening at 6:00 o'clock.

By Mr. LOVETT:

Q. A. B. C.?—A. No; local.

Mr. ROLLO. I think that is all.

The EXAMINER. Cross-examine.

222 Cross-examination by Mr. LOVETT:

Q. You say you came to WKBB in March?—A. March the 28th of this year.

Q. When you arrived there do you recall the manner in which the station announcements were made?—A. How do you mean?

Q. Would you state whether or not the announcements were to this effect: "This is Station WKBB, Tri-State Radio, Voice at the end of the Dial, Dubuque, Illinois?—A. No; I don't recall of it having been made Dubuque, Iowa, but East Dubuque, Illinois.

Q. Did you make any change in the announcements when you arrived?—A. I did. I made a change after I arrived immediately to include Dubuque, Iowa, because Dubuque, Iowa, was not in before I arrived.

Q. Do you recall of there being any such announcement before then?—A. I do not.

Q. Did you make any changes in the point of origin of the programs, that is, as between the East Dubuque studio and the Dubuque studio?—A. I think I changed from the standpoint of what I considered greater operating efficiency on the way they handled the programs, because before my arrival the program was more or less back and forth to a greater or less extent from Dubuque to East Dubuque, whereas I grouped a number of programs together to make much better operation in Dubuque and East Dubuque.

Q. Do you happen to know what percentage of the programs were originating in Dubuque when you arrived?—A. In Dubuque? Well, I know less than 50 per cent when I arrived. That is all I know, because I didn't know exactly what the programs were before I got there. I know what happened when I got

there. I can't testify as to what happened before I did arrive there.

Q. You have been very careful about that since you arrived?—A. Oh, yes; very much so.

Q. Mr. Carpenter, I refer to WKBB Exhibit 18, being the network and local program division of the local programs, and they are listed at 93 hours and 55 minutes, representing 43 per
223 cent of the total time. Can you state what part of that 43 per cent was local talent, what part was transcriptions, or mechanical recordings or studio announcements, such as the reading of agricultural reports and weather reports, and so forth?—A. The only think I could give as to that would be to make this comparison: 73½ per cent of our total time was taken over by live talent, both local and chain, whereas I show that only 57 per cent of our programs were chain. Consequently, there must have been some 16 per cent of the local time devoted to live talent.

Q. You are referring to Exhibit 19?—A. I don't have the numbers.

Q. That is the talent and transcription analyses for two weeks?—A. Yes.

Q. And you state that of this live talent of 73.5 per cent about 16 per cent would be local live talent, is that right?—A. If my subtraction is correct: yes.

Q. Of course, your transcriptions and your phonograph records are of local origin, I presume?—A. Oh, yes.

Q. Referring to Exhibit 22, being the program analysis for the two-week period, August 30th to September 12th, can you indicate what percentage of the popular music which is here shown to be 30.7 per cent of the total of 220 hours originated locally?—A. I can figure it up for you by going through all of these programs.

Q. Well, I do not mean right down to the exact figure, but just approximately. Would about the same percentage prevail? You stated about 16 per cent of that was local.—A. I don't know. There might be more than that, because there are orchestras such as Anson Week and his orchestra, some of the rest of them appearing at Melody Mill, which are local live talent broadcasts, and not chain, together with certain programs such as the Try and Stump Us program, and others; and without going through all of them I don't know what that would be. It might be around 16 per cent and it might be a little more.

Q. Do you think more than half of your popular music comes from local live talent?—A. Oh, by no means.

Q. Local live talent?—A. You mean local live talent, half of the locally originated popular music?

Q. No; I imagine this refers to——A. (Interposing.) That includes chain and everything else. You mean more than half of that local?

224 Q. Yes; is more than half of that local?—A. No; not more than half of that is local, but much less than half.

Q. The majority of it is chain or transcription?—A. That is right.

Q. What do you have to say regarding the next item, Sports?—A. Sports is practically all chain during the summer months when there are not so many sports activities in Dubuque. Those are broadcasts of the National and American League baseball games direct from Chicago.

Q. Now, the next item is semiclassical music.—A. Most of that would be over chain.

Q. And news?—A. The majority of that would be local.

Q. Mostly Trans-Radio?—A. Trans-Radio, yes; but produced locally from our own news editor.

Q. After your educational item you have after that "exclusive." What does that mean?—A. I explained that, I believe.

Q. I am sorry.—A. In the early part of the testimony when I gave an explanation of each one of these headings. Do you want me to give it again? I think I can.

Q. That is all right. I did not recall. Is that originated locally?

The EXAMINER. He has gone over all of these once, but, of course, I want you to cross-examine him on any of them you wish.

Mr. LOVETT. I am especially anxious to know which is local live talent.

The EXAMINER. Go ahead. I do not want to restrict your cross-examination in the least, but I do not want any repetition of going over the whole thing again

By Mr. LOVETT:

Q. As to the educational item, what percentage of that is local?—A. Picking percentages out of the air is a tough job.

Q. Would it be one-quarter?—A. I frankly don't know without going through the programs. I don't see how I can estimate it.

Q. As to classical music, these various music items would be about the same proportion?—A. I assume so, although I really can't give that. It took me many hours to prepare

225 this [indicating] and get percentages, and I didn't do it with just saying I think it is about so much.

Q. You mentioned a Book Review broadcast several times. Who gives that?—A. It comes over the Affiliated Broadcasting Company at 4:30, I believe it is, on Monday afternoons.

Q. In Exhibit 22, WKBB program analysis from April 1st to September 12th—do you have that there?—A. From April 1st to September 12th? Yes.

Q. Where is the Fashion Parade originated, which is listed third from the bottom?—A. It originates in Chicago and is presided over by a woman by the name of Hazel Lighter, who is, I believe, a recognized authority on fashions.

Q. Who is the book man on the second page?—A. The book man originates locally from knowledge supplied by the W. F. Quarrie Company.

Q. Is that a local book store?—A. It comes to us out of Chicago the same as it does to, I think, some 400 radio stations in the United States.

Q. It is mimeographed release?—A. It is a mimeographed release.

Q. Under the heading on page 2 "Miscellaneous" you have listed a large number of talks. Can you state how many of these have been broadcast more than once?—A. Yes; I can.

Q. During this period from April 1st to September?—A. Yes; I can.

Q. Will you state that, please?—A. City Manager Evans has talked over the station three times; Chief of Police Giellis has talked once. Do you want me to take each one of them in order?

Q. Yes.—A. City School Superintendent E. D. Cline has talked once. Professor A. C. Kleine has talked twice over the station. County School Superintendent Thomas Flynn has appeared once. The University of Dubuque President Dale Welsh has appeared twice. Doctor Connell himself of the City Health Department has appeared upon it once, but numerous representatives of his have appeared. The Arch Diocesian Superintendent of Schools, Monsignor Wolfe, has appeared over the station two or three times, once in a three-hour broadcast, once also in a 15-minute talk, and I am not sure about the other time without checking the records.

226 The principal of the Senior High School, Mr. Johnson, has appeared personally once, but his representatives at other times.

Mary Zenter has appeared once.

Professor Schroeder has appeared once.

C. E. Rhodes, the president of the Safety Council, has appeared once.

King Herr of the Safety Council has appeared once.

Father Martin of Columbia Academy has appeared once.

A. A. Moore of the Junior High School has appeared once.

Noel J. Logan of the University of Dubuque has appeared either four or five times. I would have to check that up, too.

Samuel S. George of the University of Dubuque has appeared once.

Q. Do you know whether or not they have appeared very frequently prior to this two-week period?—A. Oh, this is not the two-week period. This is taken from April 1st to September 12th.

Q. Oh, excuse me.—A. That is the last five and a half months.

Q. You would not know before that?—A. I would not know before April 1st.

Q. Do you recall when the county school superintendent appeared, Thomas Flynn?—A. Within the past two weeks.

Q. There were several of those on your Labor Day program?—A. Yes; because that marked the opening of school, the same as we had a program at the close of school last spring.

(Discussion off the record.)

The EXAMINER. We will take a recess for 10 minutes.

(After a short recess the hearing was resumed as follows:)

The EXAMINER. All right; let us proceed.

By MR. LOVETT:

Q. On your last page, Farm Bureau, picnic, and dance remote broadcast, do you know where that originated?—A. That originated at Melody Mill.

227 Q. Melody Mill. What is Melody Mill?—A. Melody Mill is a dance palace and show grounds where all of the circuses and so forth, the large circuses, hold their shows, and it has a picnic ground and everything in conjunction where this Farm Bureau picnic was held.

Q. Now, in your week of WKBB program schedule starting on September 6th at 9:30 you have listed Uncle Ulmer Turner Reads the Funnies, 10 o'clock Melody Parade, and do you know whether or not there is a spot announcement made between those times for the Hilltop Casino, concerning the Hilltop Casino?—A. The Hilltop Casino is a dance hall, cafe and tavern located within a stone's throw of our transmitter in East Dubuque, Illinois. That spot announcement is limited only to the advertising of the chicken and steak dinners in the Casino cafe of the Hilltop Casino.

Q. It is a dance hall where liquor is sold, though?—A. Yes.

Q. Do you carry a program of announcement of Schmidts & Kato?—A. Yes, we do.

Q. What is that?—A. Beer.

Q. What about the Hilltop and Mulgrew and the Patch Beverage Company?—A. As to the Hilltop, Mulgrew and the Patch Beverage Company there is no connection between those two.

Q. Is it the Patch Beverage Company?—A. Yes. The Patch Beverage Company is the distributor for Schmidts & Kato.

Q. Patch (spelling), is that correct?—A. That is right.

Q. You mentioned that you had mailed certain program lists to the Telegraph Herald. You didn't see them personally or endeavor to make any arrangements over the table, but you merely mailed them to them?—A. I did not.

Q. You referred to a letter which was sent to Mr. Woodward. Was that letter addressed to Mr. Woodward, or a copy sent to him?—A. I explained the letter was addressed to Mr. Mathey of the Mathey Chevrolet Company, a copy of which was sent to Mr. Woodward.

Q. It did not call for an answer, did it?—A. Not necessarily, no.

Q. The program concerned was a sponsored program, was it not?—A. Yes; and also a very good advertiser in the Telegraph Herald.

Q. You referred also to a transcription which was run
228 over Station WKBB, and I believe dedicated to the Telegraph Herald. Was not the purpose of that transcription to secure sponsors?—A. What do you mean?

Q. Was not the transcription sold to the station with the idea that they would secure a sponsor?—A. Not for that particular program, no, because that was a program with which I was quite familiar, one of the transcriptions of the Radio Transcription Company which we had recommended to stations throughout the country for the purpose of extending their friendly relations between newspapers and radio stations, wherever those relations might have been in any way strained.

Q. It was purchased by WKBB?—A. It was purchased by WKBB.

The EXAMINER: Did you get any response to that dedication?

The WITNESS. You see, I was not connected with the station at that time. I was present when the first one of that series ran, and I knew that it did run, but I do not know of any responses that the station received.

The EXAMINER. All right.

By Mr. LOVETT:

Q. Since you have been connected with WKBB has it contributed to any community fund—money?—A. Oh, yes. I have seen passing through the mail the usual forms, or whatever it is they have come from the community fund for contributions made during the last drive last fall.

Q. By WKBB or the employees?—A. By WKBB, as I recall.

Q. Do you know the amounts?—A. No, I do not.

Q. That would be something within Mr. Klauer's knowledge?—A. Yes.

Mr. LOVETT. I believe that is all.

By the EXAMINER:

Q. Did they give any time to the Community Chest also?—A. You see, that campaign was held last fall.

Q. Before you were there?—A. Which would have been before my association with the station. I know they did give time because the records of the station very definitely show that.

229 Q. The log would show that, would it not?—A. Yes.

Mr. ROLLO. And Mr. Klauer testified to that when he was on the stand.

The EXAMINER. I believe that is right, that he did testify to that.

Cross-examine, Mr. Berry.

Mr. BERRY. I have nothing.

The EXAMINER. Any further questions?

Mr. ROLLO. No.

The EXAMINER. All right. The witness will stand aside.

(Witness excused.)

Mr. ROLLO. That completes the case of WKBB.

The EXAMINER. I would like to ask some questions, of Mr. Arndt.

Mr. LOVETT. I would like to recall him right now, if I may.

The EXAMINER. All right. You may recall him. Put him on the stand and then I will ask him my questions.

Whereupon W. J. ARNDT, a witness on behalf of Telegraph Herald, having been previously duly sworn, resumed the stand and testified as follows:

Direct examination by Mr. LOVETT:

Q. Mr. Arndt, can you state of your own knowledge whether or not the Telegraph Herald has ever refused advertising because it carried reference to a WKBB program?—A. No; we have never refused it if it carried reference to WKBB. The only possible refusal of any advertising copy as might be published in our newspaper would be contingent upon certain lottery rules and regulations, which I think every one is familiar with. That is federal law. You just can't enter your paper in the mail if there is a question of lottery, matter of chance, involved.

Q. Will you state of your own knowledge what, if any, support the Telegraph Herald has given to the Community Chest and similar organizations?—A. The Telegraph Herald has always been a very substantial contributor to all civic organizations. I know of my own knowledge that the maximum contribu-

230 tion to the Community Chest was $2,000, and the minimum was $1,000 in any one of the campaigns.

Q. State whether or not it has devoted space in its newspaper to the campaign of the Community Chest and other similar organizations.—A. Oh, yes, columns and columns of publicity.

Q. Was it freely given?—A. Absolutely.

Q. State whether or not the Klauer Manufacturing Company, or the Hotel Julian-Dubuque, has advertised in the Telegraph Herald, or do they advertise now?—A. Not to my knowledge.

Q. Who is the Julian-Dubuque Hotel owned by?—A. The owner of the Julian Hotel is William H. Klauer.

Q. When you were previously on the stand you referred to two broadcasts of WKBB to which you listened very carefully throughout the broadcast day, namely, on September 2nd and September 6th. I hand you a tabulation which is marked "Applicant's Exhibit 11," and ask you to explain what that is.—A. This happens to be a résumé of the broadcast of WKBB, taken by me on September 2nd while I was sitting at my radio in my home. I made accurate check on the total broadcasting from 7 in the morning until 11 p. m.

Q. All of the data thereon was prepared by you, was it?—A. It was.

Q. And it is accurate?—A. It is.

Mr. LOVETT. I offer that in evidence as Applicant's Exhibit 11.

Mr. ROLLO. No objection.

The EXAMINER. Applicant's Exhibit 11 of the Telegraph Herald will be admitted in evidence.

(The document referred to was received in evidence, marked "Applicant's Exhibit No. 11; Docket No. 3967," and is filed with the transcript in the possession of the Commission.)

By Mr. LOVETT:

Q. I now hand you a tabulation marked "Applicant's Exhibit 12," and ask you if you will explain that.—A. That is substantially the same as already covered for September 2nd, and if you wish, I will explain it.

Q. Is it the same type of tabulation, only for September 6th?—A. That is correct.

231 Q. And it was taken down by you at that time?—A. That is correct.

Q. The tabulation was prepared by you?—A. Yes.

Q. It is correct?—A. It is.

Mr. LOVETT. I offer that in evidence as Applicant's Exhibit No. 12.

The EXAMINER. Let it be admitted.

(The document referred to was received in evidence, marked "Applicant's Exhibit No. 12, Docket No. 3967," and is filed with the transcript in the possession of the Commission.)

The EXAMINER. What is the purpose of it, Mr. Lovett?

Mr. LOVETT. It is a break-down showing the local talent, percent of local talent and so forth for those particular days.

By the EXAMINER:

Q. Mr. Arndt, I am calling your attention to WKBB Exhibit No. 1, a copy of the Telegraph Herald, Dubuque, Iowa, Friday, August 9, 1935, page 7, in the last column, headed "Radio Program." I wish you would state whether or not that is a paid program.—A. No; that is not a paid program. That is a program in line with the policy of the daily newspapers, known as the Iowa Daily Newspaper Press, as regards advertising of radio programs of the major larger clear channel stations and networks.

Q. This radio program, dated Friday, August the 9th, includes National Broadcasting, WEAF network, does it not?—A. That is correct.

Q. And under the designation "South" it is noted as a part of this program coming from Station WRVA and WTAR?—A. Yes.

Q. Those happen to be stations located respectively at Richmond, Virginia, and Norfolk, Virginia?—A. I think so.

Q. Yes. Is it the policy of your paper to not publish local programs except that they are paid for?—A. I believe I covered that. We were never approached on the matter of publishing the local station's listing. I can't regard that a copy of a letter sent to our publisher, intended for one of our advertisers,
232 would be sufficient grounds for us to make an arrangement of that kind that involves considerable space in the paper. The only thing a daily newspaper has to sell is white space.

Q. Do not the other newspapers in the State of Iowa carry these programs without charge as a news item of interest to the communities in which they are published?—A. I couldn't say as to that. It depends upon each individual newspaper policy.

Q. Do you know of a newspaper in your state that does charge for the local programs of the stations that are operated in the cities where these papers are published?—A. Yes. That was brought up in the meeting not so very long ago. There is a total of 8 out of the 27 daily newspapers in Iowa that charge the regular rate for radio programs. One is very near to Dubuque, the Clinton Herald.

Q. You would run these if they were paid for, in other words?—A. Absolutely; we would be interested in that.

Q. But would not run them as a news item of interest?—A. No.

Q. But you do run as a news item these National Broadcasting listing of stations as remote as Richmond, Virginia, as news

item information?—A. Because of the simple fact that they are all included.

Q. In a network?—A. In a network, and the listing would have to be accurate.

The EXAMINER. Yes. That is all.

Cross-examination by Mr. ROLLO:

Q. Is there a radio station in Clinton, Iowa?—A. No, there is not.

Q. Do you know of an advertiser in Dubuque by the name of the Appel Higley Electric Company?—A. Yes.

Q. Does their advertising matter contain lotteries, or anything of that nature?—A. Not to my knowledge.

Q. Have you ever refused any advertising submitted by that company?—A. I stated before the only reason we would refuse advertising——

Q. (Interposing.) Just answer my question. Have you? Do you know whether or not you have ever refused it?—A. No.

233 The EXAMINER. Let him answer yes or no and then you can explain it afterwards.

The WITNESS. I don't know.

By Mr. ROLLO:

Q. What is your position with the newspaper?—A. I am circulation manager and member of the board of directors of the corporation.

Q. It is possible then you would not know all of the details of what advertising had been accepted and what advertising had been rejected, is it not?—A. I would be familiar with practically all of it, I would say.

Q. You are not the advertising manager, however, of the newspaper?—A. No; I am not. That is a job in itself, Mr. Rollo.

Q. How many hotels are there in Dubuque?—A. Six or seven in my judgment.

Q. Including the Julian Hotel?—A. Including the Julian Hotel.

Q. Do any of those hotels advertise in the Telegraph Herald?—A. Not that I can recall offhand.

Q. Do you consider the Klauer Manufacturing Company a local advertiser of Dubuque?—A. You mean from our standpoint?

Q. Yes.—A. Yes.

Q. What would the Klauer Manufacturing Company advertise locally?—A. In the first place, I imagine they would advertise the facilities of their hotel.

Q. I am speaking of the Klauer Manufacturing Company, and not the Julian Hotel. I repeat my question: Would you consider the Klauer Manufacturing Company a local advertiser from your point of view as a newspaper man?—A. Yes.

Q. All right; what would they advertise locally?—A. The products they manufacture.

Q. What products do they manufacture?—A. Snow Goes.

Q. What are Snow Goes?—A. I went through that yesterday. It is snow-removal equipment.

The EXAMINER. I think he covered that yesterday.

The WITNESS. Steel fabrication and culverts, and things of that nature.

234 By Mr. ROLLO:

Q. Do they manufacture anything that would have a market to the citizens of Dubuque?—A. From the standpoint that they would be interested in a dealer tie-in; yes. Do I make myself clear?

Q. No; I don't understand the answer.—A. From the standpoint of the newspaper the hotel manufacturer sells jobber, and in order to get his products on the market he will advertise it from a national standpoint to all the jobbers that he might have, and then there is a jobber tie-in of the advertising appropriation.

Q. They would be a national advertiser, as I understand you.—A. They would be local and national.

Q. But all of their products are large, heavy machinery and equipment, and that sort of thing?—A. I don't know whether all of it would be large.

Q. Does the Klauer Manufacturing Company have any local dealers in Dubuque, Iowa, do you know?—A. I don't know.

Q. You wouldn't know, then whether any of their local dealers advertised in your newspaper?—A. I don't know.

Mr. ROLLO. That is all.

By the EXAMINER:

Q. Mr. Arndt, you reside there in Dubuque and have for a great many years. Suppose you wanted to hear a program over the local station there at East Dubuque. How would you find out what time the program that you wanted to hear was coming on?—A. You mean the station?

Q. It is not published, and I understand that they are not published at all, their programs?—A. We don't publish their listings.

Q. You don't. The listings of the programs are not published?—A. Not in our paper.

Q. In your paper?—A. They are published, however, in the Catholic Daily Tribune.

Q. Regularly?—A. Yes; daily. And sometimes they are listed once a week by the Dubuque Leader.

Q. That once a week listing is for the whole week's programs, or is that just for the daily programs?—A. I think it is for the whole week.

235 Q. That is the only avenue by which the listening public would be able to find out the different times that various programs would appear in the paper?—A. No. They naturally would have a listing of their programs over their own station.

Q. I understand. Do they announce in the morning what they are going to have for the whole day?—A. Not on the specific days that I took this accurate transcript they did not.

Q. Do they every morning or every day announce what their entire program will be for that day?—A. I don't know. I don't listen in.

Q. If they didn't they you wouldn't be able to find out through the station itself what the particular program was that you were interested in?—A. That is correct.

The EXAMINER. That is all; unless there is something else.

Mr. LOVETT. May I ask just one final question?

The EXAMINER. Yes; go ahead.

Redirect examination by Mr. LOVETT:

Q. What is the largest hotel in Dubuque?—A. The Klauer-Julian, in fact one of the largest in the Mid[illegible]west, along the Mississippi River especially.

Q. Are there any other local hotels that compare with it in size?—A. No. They are not comparable, I would say, in size, in convenience, and so forth.

Mr. LOVETT. That is all.

By the EXAMINER:

Q. Could you tell us as to these other programs? You have seen these programs that they have that appear in these other newspapers?—A. Yes, sir.

Q. Could you tell us approximately what it would cost to advertise those programs in your paper? Just give us an estimate of it per day as to the daily cost, or weekly, or monthly.—A. On a yearly contract approximately $4 daily.

Q. $4 a day?—A. Yes. I have figured it here on the basis of a single column by six inches deep. Now, that may measure a little more or a little less.

The EXAMINER. That is all. You may stand aside.

236 (Witness excused.)

The EXAMINER. I would like to have Mr. Carpenter take the stand again.

Whereupon—JAMES D. CARPENTER was recalled as a witness on behalf of WKBB, resumed the stand, and testified further as follows:

Examination (resumed) by the EXAMINER:

Q. Suppose I happened to be visiting in Dubuque, Iowa, and I wanted a certain program on your station, where would I get the information as to the time it would appear in your program?—A. Either by telephone to the station, and we would give the reply, or as is usually our custom to daily give a program resume, which is not always done, but it is the usual custom to do so.

Q. But suppose it happened to be on a day when you did not do it?—A. On the day when we did not do it you would have to see it in the Catholic paper there, or if it was for certain days of the week at the week-end you could get it out of the Dubuque Leader, which is published there I believe four days a week, Thursday, Friday, Saturday, and Sunday.

Q. As to this Catholic newspaper, is it published every day?—A. Yes, they publish it every day.

Q. And they publish the program?—A. Yes.

Q. Without charge?—A. Without charge. Of course, it reaches a very limited number of people in the Dubuque area.

The EXAMINER. That is all. You may stand aside. Is there any further testimony in this case?

(Witness excused.)

MR. ROLLO. No, sir. We rest our case.

The EXAMINER. If there is no further testimony in the consolidated hearing of Dockets No. 3967 and No. 4031 the hearing will be closed.

(Whereupon at 3:20 o'clock p. m., the hearing in the foregoing matters was concluded.)

* * * * * *

237 [Endorsed:] Federal Communications Commission, Sept. 8, 1936. Received 1st Mail. Mail and Files. File No: B4-P-960. Docket No. 3967. In re: Application of Telegraph Herald (new), Dubuque, Iowa, For Construction Permit.

Depositions of witnesses in the above-entitled matter were taken before John W. Kintzinger, Jr., a Notary Public for the State of Iowa, Dubuque County, Iowa, pursuant to an Order of the Federal Communications Commission in that regard, dated August 10, 1936, at the Chamber of Commerce Building, Dubuque, Iowa, on Friday, August 21st, 1936, beginning at 9:00 o'clock A. M.; all in accordance with the order to take depositions attached to the following page:

Appearances: For Applicant: Mr. Eliot C. Lovett, Attorney at Law of Washington, D. C., appeared, representing The Tele-

graph Herald, and took part in the examination of witnesses. Mr. H. G. Wall, Attorney at Law of Detroit, Michigan, appeared, representing Toledo Broadcasting Co.—WSPD, and took part in some of the examination of witness. Messrs. F. D. Gilloon & Milton Glenn, and Thomas Nelson, of the firm of Gilloon & Glenn, Attorneys at Law, Dubuque, Iowa, appeared, representing Sanders Brothers Radio Station, WKBB, East Dubuque, Illinois, and took part in the examination of all the witnesses, Frank D. Gilloon doing the questioning on cross-examination.

239 Mr. KERMITH S. HUEHN, called as a witness on the part of the Applicant, after having been first duly sworn by myself as Notary Public, testified as follows:

Direct examination by Mr. LOVETT:

Q. Mr. Huehn, will you please state your name, address, and occupation?—A. My name is Kermith S. Huehn, the County Agricultural Agent at Manchester, Iowa.

Q. Mr. Huehn, will you state whether or not you are familiar with the plans of the Telegraph Herald to establish a radio station to serve Dubuque and nearby counties?—A. Mr. Arndt has conferred with me in this matter, and I believe I am quite well familiar with the plans that are being advanced.

Q. Mr. Huehn, will you state, if you can, of your own knowledge, what has been and is the attitude of the Telegraph Herald toward the farmers of this area in relation to the dissemination of news and information regarding the farm problems?

Mr. GILLOON. We object to that as calling for an incompetent conclusion of the witness and immaterial.

A. The Telegraph Herald has on several occasions made a special effort to give agricultural news and assisted to carry a farm page regarding pertinent farm news.

Mr. GILLOON. We move the answer be stricken out for the reasons urged in the objection and not the best evidence.

Q. Mr. Huehn, will you state the present type of radio programs, if any, received in this area, particularly in your county, of interest to farmers?—A. The farmers naturally are interested in radio programs——

Mr. GILLOON. We move that that answer be stricken out as a conclusion of the witness and not a statement of fact.

Mr. LOVETT. Let him answer first.

A. The farmers are not well served so far as the radio broadcast is concerned, due to the fact that they have no local news broadcast over any local stations to my knowledge; they do have programs over topics of general nature.

Q. What hour is that?—A. It is during the noon hour—national.

Q. It is the National Farm Home Hour?—A. Yes.

240 Q. You say that is not localized?—A. That is not localized; that is general information.

Q. What, if any, experience have you personally had in broadcasting?—A. Several years back I broadcast from Waterloo, the station at Waterloo; and I have on one or two occasions broadcast through the Des Moines station and six or eight times through the East Dubuque station.

Q. Why did you discontinue those broadcasts?—A. The programs on the first two named stations were discontinued on their own accord for reasons I know not why. For the East Dubuque station it was—we requested to be dropped because their broadcasts were not heard by my farmers and there seemed to be a very poor tie-up regarding farm programs.

Mr. GILLOON. We move that that be stricken out as an incompetent conclusion of the witness—the broadcasts not heard by farmers and there seemed to be a very poor program hook-up——

Q. I will ask you——

Mr. GILLOON. ——and hearsay.

Q. ——what do you as agent consider the type of program which would be most beneficial to the farmers in your area?—A. It seems to me that the general farm topics are carried quite well through our own local papers and others, and the broadcasts which they would be interested in would be such as would be personalized, as would be applied to their local problems; it might be different from those of other communities.

Q. In what agricultural pursuits are the farmers in your area engaged?—A. We are largely an agricultural county concerned largely with dairy cattle and hogs. Presumably you might call it a livestock county.

Q. And that is the type of program you would propose to get to those farmers; is that correct?—A. Yes.

Q. Will you state to what extent, if any, you would be willing to cooperate and carry broadcasting programs over the station proposed by the Telegraph Herald in accordance with the plans stated to you by Mr. Arndt?—A. Mr. Arndt has gone over the proposed plan with me and it seems to me it would be most advisable to have a broadcast at least once a week from

241 each county concerned; and that seems to me would be the best arrangement for the situation.

Q. You would be willing to appear once a week personally or by representative to broadcast the program for your county?—A. Yes; I would.

Q. Will you state what, if any, other use you might make of those facilities?—A. It seems that there is other uses the radio station might be put to, that is, for broadcasting information

that might come up almost on the spur of the moment, and special meetings and things that farmers would be vitally interested in.

Q. Would you have emergency information that might be broadcast if these facilities were available at the present time?—A. Well, right now, if we could get on the air and tell the farmers what could be done with this drought damaged corn, it certainly would mean much to the farmers for the coming winter.

Q. What about the grasshoppers?—A. The grasshopper control is a problem at the present time, and any information we could give would be of help in saving agricultural feed.

Q. I think that is all; you may cross-examine.

Cross-examination by Mr. Gilloon:

Q. You are the County Agricultural Agent of Delaware County?—A. Yes, sir.

Q. Delaware County is a county that adjoins Dubuque on the west?—A. That is right.

Q. You are stationed at Manchester?—A. That is right.

Q. Do you know how many miles it is from Dubuque, Iowa, to Manchester, Iowa?—A. Yes, sir.

Q. And how many miles?—A. 44 miles.

Mr. Lovett. By air line, or road?—A. That is by road; by Ford V-8 car.

Q. What is the air-line distance?—A. I do not know.

Q. The road from Dubuque to Manchester runs practically straight west?—A. If you consider a road can run straight. It is very crooked, but it does run practically west.

Q. Yes. Where is the city of Manchester located in Delaware County with reference to its east and west county line?—
212 A. If it were in the center it would be twelve miles from each side; it is sixteen miles from one side and eight miles from the west side.

Q. You say the county is 24 miles from east to west?—A. Twenty-four; yes.

Q. How many miles is it from Manchester to the northerly line of the county?—A. Eleven miles.

Q. And how many miles from Manchester to the southerly line?—A. It is twelve—thirteen, I should say.

Q. How many?—A. Thirteen.

Q. 13?—A. 13.

Q. Do you know the number of operated farms there are in Delaware County?—A. According to the 1935 census, 2,354.

Q. 2,354 operated farms?—A. Yes.

Q. Are you familiar with Station WMT, known as Waterloo and Cedar Rapids Station?—A. Yes, sir.

Q. Is clear reception available from that station in Delaware County?—A. Quite clear.

Q. Have you appeared on that station in speaking on your farm program?—A. Yes, sir.

Q. How frequently?—A. It used to be once a month.

Q. The service of that station was made available to you?—A. Yes.

Q. You also appeared over WHO, Des Moines?—A. We sent material to WHO for broadcast, prepared by myself.

Q. And your material was broadcast?—A. Not to my knowledge.

Q. You don't know?—A. It was reported to me by those who heard that it was not broadcast.

Mr. GILLOON. Well, of course, I move to strike out the answer as an incompetent conclusion, and hearsay.

Q. An invitation was extended to you to appear over WKBB?—A. Yes, sir.

Q. The East Dubuque Station?—A. Yes; that is right.

Q. And you did?—A. Yes, sir.

Q. Now you said that you would cooperate with the station for which the Telegraph Herald has applied if the application were granted, in carrying out the plans proposed to you by Mr. Arndt. Now what plans did he propose?—A. It is my understanding that they have in mind six agricultural County Agents broadcasting one day a week, and our county is to be one of the six.

243 Q. At what hour?— A. The hour to be chosen which is most desirable for agents and listeners.

Q. Well, what hour from your experience, what hour would you select as considered most desirable to you and to your listeners?—A. Perhaps the noon hour, from twelve to one or 11:30 to 12:30; it seems to me that is the proper time.

Q. And by your "listeners," you mean the farmers of Delaware County?—A. That is right.

Q. How far is Iowa City, Iowa, from Manchester?—A. If I remember correctly, it is fifty-two miles. I have driven it several times.

Q. You know that there is a radio broadcasting station located there under the letters WSUI?—A. Yes, sir.

Q. Have you ever, as County Agent, availed yourself of the facilities of that station?—A. No, sir.

Mr. WALL. Did you say yes, sir; or no, sir?

A. No, sir.

Q. The reception from that station is carried into your county?—A. I understand that it is. I have never been able to get it myself; but I understand that it is.

Q. Do you know the distance from Manchester, Iowa, to Ames, Iowa?—A. 150 miles.

Q. Our Agricultural College is situated at Ames, Iowa?—A. Yes, sir.

Q. Have you ever availed yourself of the facilities of that station to broadcast farm programs?—A. No, sir.

Q. Have you ever heard farm programs broadcast from that station?—A. Yes, sir.

Q. Reception from that station is clear and ample at Manchester?—A. Only fair.

Q. What hours do you refer to that it is only fair?—A. I have reference to noonday and just after the noonday programs.

Q. Well, you say "just after the noonday programs"?—A. No; I say the noonday and the afternoon day programs. That is from twelve to one; and the afternoon program.

Q. And that reception is clear?—A. To my knowledge it is. I don't listen to it otherwise.

Q. Do you know the power that is proposed to be allotted to this proposed station for which the Telegraph-Herald has applied?—A. It is my understanding that it is 500.

244 Q. Five hundred watts?—A. Yes, sir.

Q. The northern and northwestern part of Delaware County is located a greater distance from Dubuque than Manchester?—A. Slightly.

Q. And the same is true to the south and southwestern portion of the county?—A. Right.

Q. State whether or not the Department of Agriculture, the United States Department of Agriculture—withdraw that question. State whether or not the Agricultural College at Ames, Iowa, is putting out any information over the air with regard to the drought situation and grasshopper problem.—A. They are.

Q. The reception with reference to that comes into your community?—A. Yes, sir.

Q. You understand, as Farm Agent, that experiments are being carried on at the Agricultural College at Ames as to how to deal with the grasshopper problem?—A. As far as that locality is concerned, yes.

Q. And as far as any locality in Iowa is concerned?—A. Generally speaking.

Q. What will curb the grasshopper in one community will in another, won't it?—A. Yes, quite largely; but our specific problems are not covered entirely by the College.

Q. You say that in Delaware County that the farms are principally devoted to dairying and raising hogs?—A. Yes.

Q. Feeder cattle?—A. Not very many feeder cattle.

Q. That same thing is practically true in Dubuque County, is it not?—A. That may be; I am not familiar.

Q. The same general condition exists in Jackson and Jones Counties?—A. It is quite possible; I am not familiar with those counties.

Q. And Linn County?—A. Possibly.

Q. And in Buchannan County to the west?—A. I know that in Buchanjnan County it is.

Q. And also in Blackhawk?—A. Yes, sir.

Q. That is all of the same character of farming that is carried on in all those counties?—A. Yes.

Q. The same is true of those farms immediately to the north?—A. Yes; though they have quite hilly country, it is about the same.

245 Q. Well, they are in the dairy business, or production?—A. Yes, that is right.

Q. How long have you been the County Agent in Delaware County?—A. Very nearly five years.

Q. If you were to select an hour during the day——A. Pardon me?

Q. If you were to select an hour for broadcasting your program—making your selection; that is, your own choice—other than the hour between one and twelve noon, what other hour would you consider the best hour for farm audience?—A. Perhaps the breakfast hour at seven o'clock or the supper hour at 6:30. I have no preference between those two.

Q. That is, between the early morning hour and the supper hour, which would you consider most preferable?—A. It would seem to me the morning hour would be preferable.

Q. Would be preferable?—A. The morning hour would be preferable.

Q. You think the farmer has more time in the morning than he has in the evening when his work is done?—A. The major portion of them are found around the breakfast table at that hour than they are at the supper hour at that hour in the evening according to my information.

Q. Have you been told what hours of this station—what time it will be given if the application were granted?—A. They have left that to us to make that decision.

Q. No, but have you been told what hours this station that the Telegraph Herald has applied for will operate?—A. I have not.

Q. That is all.

Redirect examination by Mr. Lovett:

Q. Mr. Huehn, state whether or not the facilities of either WSUI or WOI have ever been offered to you?—A. They have not; not to my knowledge.

Q. That is all.

Recross-examination by Mr. GILLOON:

Q. Have you ever asked for the facilities of those stations and been refused?—A. We have asked for the WOI station
246 but it has not been granted. We have never asked for the other station.

Q. When did you ask for that station?—A. A couple of years ago.

Q. Just once?—A. Yes.

Q. Do you know the reason assigned?—A. The reason was that it was not convenient for them to work it into their schedule. No antagonism at all.

Q. That was, the particular hour that you requested?—A. Yes.

Q. You could have had a different hour?—A. Perhaps; we didn't ask for a different hour.

Q. That's all.

Cross-examination by Mr. WALL:

Q. How far did you say Ames, Iowa, is from Manchester?—I am representing the Toledo Broadcasting Company, WSPD, Toledo, Ohio. How far do you say Ames, Iowa, is from Manchester?—A. 150 miles.

Q. Do you know the power of that station; how many watts it operates with?—A. I do not.

Q. Do you know the frequency it is on?—A. I do not.

Q. Do you ever listen to it?—A. Yes sir.

Q. You just don't remember?—A. It is 687 or some such a number on my radio.

Q. If I told you it operated at 5000 watts, would that refresh your recollection?—A. It would not.

Q. If I told you it operated at 600 frequency——A. I am not familiar with those terms.

Q. —on your radio dial, do you know the number you tune in on your radio?—A. It is between six and seven hundred—I don't remember.

Q. That station is operated by your State College?—A. Yes.

Q. Your Agricultural College?—A. Yes; that is right.

Q. Operated by the State of Iowa?—A. Yes.

Q. It operates during all the daylight hours?—A. I can't answer that.

Q. How many times do you listen to WOI?—A. Generally during the noon hour.

247 Q. Do you drive a car?—A. Yes sir.

Q. Do you have a radio in your car?—A. No sir.

Q. Do you know whether Station WOI broadcasts any agricultural programs?—A. Yes, they do.

Q. Quite a few?—A. Yes sir.

Q. Isn't it a fact that that station is devoted principally to broadcasting programs for farmers in Iowa?—A. Principally, yes.

Q. Did you ever listen to other stations in Iowa? Did you ever listen to them in Dubuque, for instance?—A. I do not.

Q. Do you ever listen to them in any other place?—A. No.

Q. Did you ever listen to them in anyone else's house in any other city?—A. I have not.

Q. The reception that you get on your radio on WOI in Manchester is good, isn't it?—A. Fairly good on my radio.

Q. What kind of a radio have you got?—A. A Brunswick.

Q. A new one?—A. No sir.

Q. How long have you had it?—A. Four years.

Q. A battery set?—A. No sir, an electric set.

Q. Works off a socket?—A. Yes.

Q. In Manchester have you ever listened to WOI on a new radio set in the last year or so?—A. I have never had the opportunity, no.

Q. Do you know what frequency this particular station here in Dubuque is applying for?—A. I do not.

Q. Has anybody advised you that on the frequency requested and the power requested that the signal will come into Manchester? If so, who?—A. If you are referring to "frequency" I can only indicate I am not an engineer. If you mean the number on the dial; they have told me it will be around 1400 on the dial.

Q. Their application is 1340.—A. I think that is correct.

Q. Has anyone told you that with the power indicated, at 1340, it will come in at Manchester?—A. Mr. Arndt.

Q. And where does Mr. Arndt live?

Mr. LOVETT. Objected to as this man is not an engineer.

A. At Dubuque.

Q. How far away is Iowa City from Manchester?—A. To my recollection, about fifty-two miles.

Q. You have listened to the radio station at WSUI?—A. No sir.

248 Q. Have you tried to?—A. Yes sir.

Q. Iowa City is 52 miles, and Dubuque is 44 miles from Manchester?—A. Yes.

Q. Have you ever tried to listen to WSUI on any other radio than your own?—A. I have not.

Q. How far is Des Moines from Manchester?—A. 169 miles.

Q. Have you ever listened to radio station WHO at Des Moines?—A. Not very often.

Q. Have you tried to?—A. Yes sir.

Q. Is it good reception?—A. It is not.

Q. Have you listened to any of the Chicago stations on your radio at Manchester?—A. Frequently to WGN.

Q. Anyone else—Any others?—A. No.

Q. WBBM?—A. No.

Q. WMAQ?—A. No.

Q. Have you ever tried to listen to any other station other than WGN?—A. I did when I first came to Manchester.

Q. You just don't do it any more?—A. That is right.

Q. Have you listened to the Madison, Wisconsin, station?—A. What?

Q. Madison, Wisconsin; did you know there is a Madison, Wisconsin station at the University of Wisconsin?—A. Yes. Very seldom do we get that station clearly.

Q. You haven't recently tried to get time on WOI?—A. No.

Q. You haven't requested any time for over two years, or about two years?—A. That is about right.

Q. So you don't know today whether or not you could get time on that station for your program?—A. I do not know.

Q. They have programs there with reference to all the farm problems that are generally applicable to Iowa?—A. Generally, yes.

Q. In what particular would your program differ from the programs they have at WOI?—A. If we could have farm meetings—if we had a particular problem—I am saying this generally—such as salvage corn; our problem is different than they have at Ames. They would not be concerned with discussing our problems.

Q. You mean you think they wouldn't be. Have you ever tried it?—A. I know.

249 Q. It is a State College?—Yes sir.

Q. Your farmers pay taxes to run that College?—A. Yes; but they can't broadcast programs applicable only to Delaware County when the other counties are listening in.

Q. You don't know that?—A. I say they haven't done it.

Q. Oh, they haven't done it?—A. That is right.

Q. This station that is now located in East Dubuque; does it come into your county at night?—A. The station in East Dubuque?

Q. This station in East Dubuque, does it come into your county at night?—A. When it first operated, while I was broadcasting I made a check several times and never yet did a program come in, even to the east edge of the County.

Q. How long ago was that?—A. About a year ago.

Q. You say you made a check? How did you check it?—A. I asked five people—friends of mine—who I knew would give me the truth, to determine.

Mr. WALL. I move that answer be stricken out and the former answer.

Mr. LOVETT. You have asked him to determine; now let him answer.

A. I have asked five farmers over the county to tune in their radio on this particular wave length, and they have given me the answer that they were unable to hear the program which I personally broadcast.

Q. What number on your dial is the East Dubuque station?—A. It is about 1500.

Q. And what is the power of that station?—A. I understand 500. It was, I think 250, and they asked for more and they told me they were raising it to 500. That is the reason we continued to broadcast; so if that is false, it is a false impression.

Q. I think that is all.

Mr. GILLOON. I would like to ask one question if I may.

Mr. LOVETT. All right.

Recross examination by Mr. GILLOON:

Q. Mr. Huehn, would not the same problem that confronts you with reference to fodder corn in Delaware County also be present in practically all of the other eastern counties
250 of the State of Iowa?—A. It might, and it might not. I have seen situations when it might not.

Q. Well, as a general thing, it would?—A. Yes.

Q. That is all.

KERMITH S. HUEHN,
Witness.

Mr. FLOYD E. PRATT, called as a witness on the part of the Applicant, after having been first duly sworn by myself as Notary, testified as follows:

Direct examination by Mr. LOVETT:

Q. Mr. Pratt, will you please give your name, address, and occupation?—A. Floyd E. Pratt; County Superintendent of Schools, Delaware County, Manchester, Iowa.

Q. Mr. Pratt, are you familiar with the plans of the Telegraph Herald to establish a radio station at Dubuque to serve Dubuque and nearby counties?—A. Yes; I am.

Q. Will you state if you can, of your own knowledge, what has been the attitude of the Telegraph Herald toward rural education?—A. Well, I have been in my work at Manchester for the past three years as County Superintendent of Schools; and during that time I have noticed that the Telegraph Herald is always anxious to cooperate with us in anything that we wish to have published in their newspaper concerning the schools of

our county; and from an educational standpoint I consider them ready and willing to cooperate in anything that is of an educational nature.

Q. Mr. Pratt, to what extent, or in what manner would you make use of the facilities of the proposed station if they were offered to you?—A. Well, when I was first approached by the representatives concerning this matter I considered that it would have a very—furnish a very excellent way of putting the schools before the people of our county so that they would appreciate more thoroughly the educational attempts that we are trying to accomplish over there; in this way; we could broadcast to the people direct speeches on subjects of education that deal directly with what we are trying to do, directly to the people.

251 We could have question'aires over this broadcasting system pertaining to educational matters. We could broadcast—what shall I call them—concerts of bands; school bands; we could thereby bring a good deal of local color to this section of the State of Iowa, which to me, it seems at the present time is rather neglected.

Q. Could you make use of it on special occasions: graduations and emergencies?—A. I had understood that a wire could be run out so that we could broadcast by remote control some of our special occasions that I am sure would be of interest to the people out there.

Q. Do you contemplate making use of it for the purpose of emergency announcements?—A. Yes, we have opportunities to do that. In case of severe weather and the immediate closing of schools, when otherwise we wouldn't have any quick, direct means of making the information known to the patrons of the schools.

Q. Do I understand you would be willing to cooperate with the Telegraph Herald in its plan to have a regular weekly broadcast from each county each week?—A. Yes.

Q. Are there any radio receiving sets now in any of your schools or school auditoriums?—A. Yes, practically all of the Consolidated Schools have them.

Q. Are they used now to any great extent?—A. Well yes, they are used; that is—in just what way do you mean?

Q. Well, I mean, used in your educational work: in receiving programs of benefit to your students?—A. Well, to some extent, but not as much as it should be.

Q. Would the establishment of this station and the availability of the service as proposed; would it increase that use?—A. I had hoped that it would transpire that way at lease, yes.

Q. Would it tend to cause the installation of other receiving sets in other school units?—A. I think it would.

Q. And you feel that would be desirable in furtherance of your educational program?—A. Yes.

Q. That is all.

Cross-examination by Mr. GILLOON:

Q. Mr. Pratt, how long have you been County Superintendent of Schools of Delaware County?—A. For the past three years.

252 Q. Prior to that time where were you officiating, if you were in this same capacity?—A. Well, I was City, or Town Superintendent of Schools.

Q. Where?—A. In South Dakota.

Q. Now who was the representative of the Telegraph Herald who first approached you on this subject?—A. Mr. Arndt.

Q. And after your conversation with him you concluded that the establishment of the station applied for located in Dubuque would enable you to broadcast speeches on educational subjects so that they might be received by the schools in your county?—A. Schools and the homes, yes sir.

Q. Schools and homes in your county, and all parts of the county?—A. Yes.

Q. Now you said that—now what was your plan in regard to these speeches; were they to be your speeches?—A. Some of them, perhaps.

Q. And you would come to Dubuque, would you, to deliver those speeches over the radio at some particular hour of the day; is that your plan?—A. Yes, I would presume. I didn't think about the remote control at that time.

Q. Well, you wouldn't expect to get remote control out at your town continuously?—A. No.

Q. That would only be on special occasions?—A. Yes.

Q. And these questionaires that you speak of putting out on the air into the homes and schools of your county; that plan was to broadcast those yourself?—A. Yes, I could.

Q. Those would be questionaires of your own making?—A. Yes.

Q. And during severe and inclement weather you would announce the conditions and warn the fathers and mothers in respect to their children going to and from school at that particular time; is that your plan?—A. Warn them of hazards, yes sir.

Q. Now are there any stations that come into Manchester that carry the weather reports?—A. Yes sir.

Q. What stations are those?—A. Well, the ones that I listen to for the most part are WMT, WHO, and a couple of Chicago stations.

Q. Do you ever listen—well, you mean for weather reports?—A. Yes.

253 Q. What stations do you listen to with reference to educational programs that you would consider suitable for your schools and community?—A. Practically none.

Q. Did you ever listen to Station WOC at Ames—or WOI, at Ames?—A. Yes.

Q. How frequently?—A. Pardon me?

Q. How frequently?—A. Oh, twice a week.

Q. And what hours?—A. 12:30.

Q. Noon?—A. Yes.

Q. Do you have a radio in your office?—A. No, sir.

Q. You do your listening at home?—A. Yes, sir.

Q. What is your noon hour; that is, do you have more than one hour at noon?—A. Twelve to one.

Q. Twelve to one?—A. However, it is optional to some extent.

Q. Well, what is it, in fact?—A. Twelve to one.

Q. You listen to WOC about twice a week?

Mr. GLENN. WOI

Q. I beg your pardon; WOI twice a week?—A. Approximately, yes.

Q. Now, do you listen to any other station during that hour at any time during the week?—A. Yes.

Q. What station or stations?—A. WMT and WHO.

Q. Now, did you ever listen to WSUI, Iowa City?—A. It doesn't come in well on my set.

Q. You understand that Iowa City is approximately 52 miles south of Manchester?

Mr. LOVETT. Objected to as entirely immaterial.

A. Well, I don't know.

Q. Do you know how far Manchester is from Dubuque?—A. Yes; just about—about 45 miles, I guess.

Q. Do you know what the power is of the WSUI station at Iowa City?—A. No, sir.

Q. Do you know what the proposed power of this station is that is applied for by the Telegraph Herald, the one in question?—A. I think I do.

Q. What?—A. 500 watts.

Q. And in speaking of this use that you might make of that station if established, in broadcasting speeches and questionnaires and weather conditions to the people of Delaware County,

254 Iowa, you anticipate, of course, that that power will carry reception to all points of the county?—A. I understand that it will, yes.

Q. And if it would not, then your answers would be different?—A. Naturally; yes.

Q. Yes, and if that service would not extend to all points of the county so as to accommodate all the residents of that county who are interested in the public schools over which you are Superintendent, then you would not broadcast over that station these matters that you have referred to?—A. Well, entirely; do I understand?

Q. Well, I am asking you what you would do.—A. Is that your question: over the entire county?

Q. Yes.—A. With no exceptions? Well, I would like to have it universal over the county.

Q. If it were not universal, would it alter your action in that respect?—A. Well, it would depend upon what extent it was not universal. If it was only slightly under universal, why, I don't think it would alter it very much, if any.

Q. But you would expect to reach practically all of the county?—A. I would.

Q. Have you ever requested the facilities of WSUI, located at the State University at Iowa City?—A. No, sir.

Q. Have you ever requested the facilities of WMT?—A. No, sir.

Q. The Waterloo station?—A. No, sir.

Q. How far is Manchester from Waterloo?—A. Well, I can't state the exact number of miles.

Q. It is about midway between Dubuque and Waterloo?—A. Yes, I think it is; however, I am satisfied it is further to Waterloo.

Q. How much further?—A. A few miles.

Q. Well, what do you mean by "a few miles"?—A. Four or five.

Q. Yes; four or five at the outside. Now, what kind of a radio do you have in your home?—A. A Sparton.

Q. A Sparton?—A. Yes.

Q. And how many tubes, do you know?—A. I don't know; I think it is six.

Q. How old is it?—A. Oh, it is about four years old.

Q. Have you ever had it overhauled or tubes replaced since you got it?—A. It hasn't been necessary.

255 Q. Well, you haven't had it overhauled?—A. No.

Q. Now I believe you said you listened to, occasionally to WGN, Chicago?—A. Yes, sir.

Q. The Tribune station?—A. Yes, sir.

Q. And to WHO, Des Moines?—A. Yes, sir.

Mr. LOVETT. Please specify whether it is in the daytime or nighttime.

Q. Well, I think it is in the daytime.

Mr. LOVETT. Were you referring to the daytime or nighttime when you state you were listening to these stations? I would like to have it limited to the daytime. That is the only thing that is in issue. There is a considerable difference as you know.

Mr. GILLOON. Well, it is in the record now in the daytime I think; at the noon hour, between twelve and one.

Q. Well, that is one of the stations you mentioned, WGN, that you listened to at the noon hour?—A. I believe I stated "a couple of Chicago stations."

Q. Well is WGN one?—A. I guess that is one, I am not sure.

Q. That is 720 on the dial?—A. Yes.

Q. And what other station, Chicago station?—A. Well, it comes in on my set at about 870.

Q. That is WLS, Chicago?—A. I believe that is right.

Q. And you also listen to WMT?—A. Yes, sir.

Q. Waterloo?—A. Yes, sir.

Q. And WHO, Des Moines?—A. Yes, sir.

Q. Now those four stations; is the reception good on your radio?—A. Yes, sir.

Q. You also get clear reception from other stations?—A. Yes, sir.

Q. Not mentioned?—A. Yes, sir.

Q. Have you tried frequently to get WSUI at Iowa City?—A. Yes, sir.

Q. And could you always get it when you tried? A. Not satisfactorily, no.

Q. Well, I mean, you could always get it?—A. Yes.

Q. And you say the reception was not good at times that you did get it?—A. It was not good; no.

Q. Was it so bad that you couldn't hear what the speaker was saying, or understand the program if it were a musical program?—Yes, sir, at times.

256 Q. Always?—A. Not always.

Q. Sometimes it came in clear? I am referring to Iowa City.—A. No, I don't believe I ever got it real clear and good.

Q. I think that is all.

Redirect examination by Mr. LOVETT:

Q. I would like to ask a question on redirect. Some reference was made by Mr. Gilloon to the weather reports which you received over other stations. State whether or not in your direct testimony you referred to the necessity there, or desirability of weather reports for your particular area or general weather reports.—A. Those were general.

Q. It is your desire to use the proposed facilities for the purpose of getting reports and warnings of conditions in your particular area, and not generally, however?—A. Yes.

Q. And especially if such weather conditions might affect the opening or closing of the schools?—A. Yes, sir.

Q. Will you say whether or not the facilities of WSUI or WMT have ever been offered to you?—A. No.

Q. You mentioned a number of stations which you said you received on your radio. Will you state what stations you receive during the daytime consistently and satisfactorily, so that you want to listen to them over a period of time?—A. They are WMT, WHO, and the Chicago stations, but I don't know the lettering there.

Q. WGN?—A. Yes, and WLS.

Q. You can receive all of those whenever you want them, in a way which is perfectly satisfactory for listening purposes?—A. Yes.

Q. During the daytime?—A. Yes.

Q. Did you ever hear WKBB?—A. No; I don't even know where they are located.

Q. That is all.

Recross-examination by Mr. GILLOON:

Q. You don't know with what frequency WKBB operates?—A. No, sir.

257 Q. Nor where to find it on the dial?—A. No, sir.

Q. Have you ever requested the facilities of WMT or WSUI?

Mr. LOVETT. He answered that when you asked him on Cross-Examination, Mr. Gilloon.

Q. Well, you asked him if they were ever offered to him?—A. No, sir.

Q. They were never refused you?—A. No, sir.

Mr. LOVETT. Neither offered nor requested.

Q. Nor offered or refused?—A. No.

Mr. LOVETT. That's all.

FLOYD E. PRATT,
Witness.

Mr. JOHN W. GIELLIS, called as a witness on the part of the Applicant, after having been first duly sworn by myself as Notary, testified as follows:

Direct examination by Mr. LOVETT:

Q. Chief, if you will just state your name, residence, and occupation for the record?—A. He knows it, he has taken it down many times before. John W. Giellis, Chief of Police of Dubuque; residence 3115 Central Avenue.

Q. Chief, are you generally familiar with the plans of the Telegraph Herald to establish a radio station to serve Dubuque and nearby counties?—A. Yes; I am.

Q. Will you state whether or not the Telegraph Herald has in the past, and is now cooperating with your Department in connection with your functions in the city of Dubuque?—A. Yes; they have at all times cooperated with us 100 percent.

Q. If the Telegraph Herald be successful in its efforts to establish a station here, to what, if any, extent will your Department make use of the facilities if they be freely offered to you?—A. Well, they would be extremely helpful to the Department in many ways. It would be probably be more hastily they would be able to get information to the surrounding communities, and in just a few minutes of time; as I understand it is their intention to cooperate with us in that respect.

258 Q. Do you refer to information regarding suspicious persons and lost articles and so forth?—A. In regard to any person we might be anxious to apprehend for the commission of any crime, or suspected of having committed any crime in the community; stolen automobiles and various other crime that we have reason to suspect people of committing; robberies and stick-ups and any nature whatsoever of crime. We are anxious to head off the escaping criminals.

Q. Would it be helpful for you to have such information received by persons outside the city and possibly beyond the county itself?—A. Yes; it would.

Q. Would you be willing to cooperate in the broadcast of regular talks; traffic and safety talks weekly, or at such periodic times as would be suited to you?—A. I would be glad to, because I believe it would be helpful to the safety of the community.

Q. Has it been your experience in the past that if the facilities had been available your efforts would have been more quickly productive of results?—A. Yes; I think it would have been very helpful in the past.

Q. Do you have any special incidents in mind?—A. Well, do you expect me to enumerate?

Q. Such as for school children?—A. Safety, do you mean?

Q. Yes, safety for school children, or anything.—A. Well, we have our safety drive put on practically annually, and in those safety drives we arrange to talk to the pupils in the schools, both public and parochial; and a number of speakers are put on those programs; whereas, if we had the privilege of the use of a broadcasting station we could and would get it to thousands of people more quickly and effectively, I think.

Q. And you desire to use these facilities for that purpose among others?—A. I would be glad to, if given the privilege.

Q. I believe that is all.

Cross-examination by Mr. GILLOON:

Q. Chief, you are familiar with the fact that there is at the present time broadcasting facilities in the city of Dubuque through the local station WKBB?—A. Certainly.

Q. You are familiar with that?—A. Yes.

259 Q. We have facilities at the present time, have we not, of broadcasting the material you have mentioned here in regard to the safety drives?—A. They have never refused to broadcast in case of an emergency.

Q. Or in any other case, have they, of an emergency? They have never refused to cooperate with your Department or the management of the city of Dubuque in putting on safety drives have they—making their facilities available to the speakers?—A. Well, I don't know if there was ever a request made upon them. No doubt but they would have offered their facilities on other occasions.

Q. Have you ever requested the facilities of the station for yourself?—A. No; I have not.

Q. Have you ever spoken over the station?—A. No; I haven't.

Q. Have you ever been denied the right to?—A. No; I have not.

Q. Have you ever listened to the station WKBB; 1500 kilocycles on the dial?—A. Quite frequently.

Q. And at what hours of the day have you listened?—A. Oh, I have listened quite frequently to them on the noon hour.

Q. Yes; it is customary for you to get their broadcast on the noon hour?—A. I have listened to them frequently; yes.

Q. And the reception is all right and always good?—A. Oh yes; yes.

Q. Do you know whether or not the station WKBB cooperates with the Police Department of the city of Dubuque, broadcasting notices and requests from that station?—A. They have done that in the past.

Q. They make inquiries at the station, do they not, if you have something to broadcast?—A. They have done that frequently.

Q. And you have heard the announcer broadcasting matters pertaining to the Police Department of the city?—A. Yes; they have.

Q. Crimes that have been committed and notices with regard to different things?—A. Yes.

Q. And that service is rendered to the Police Department, and very willingly, is it not?—A. Certainly. They have never refused to cooperate in any way.

260 Q. In connection with the operation of the business of the city of Dubuque and the Police Department you compile each month an accident report, do you not?—A. We do.

Q. And that accident report is broadcast by the local station WKBB, is it not?—A. Well, as to that I wouldn't say, Frank. They may have broadcast it at times. I don't believe they broadcast it regularly, but it is available to them if they want to broadcast it.

Q. Well, it is available, and what you mean is that you haven't heard it?—A. Well, what I say is they may have, but they haven't broadcast it regularly; but they may have broadcast it so far as I have heard it.

Q. Do you know whether or not they make daily requests at the station for information in regard to the happenings going on in the Department that might be of interest to the public?—A. Well, they did for quite a while. I don't think they make those requests regularly now.

Q. Well, you are not on the Desk, are you?—A. Well, I am in a position to know. They used to have one of the boys come up there nearly every day and get those things, but I don't think he has been doing that lately.

Q. Well, you don't know. I mean you are not on the Desk?—A. No; but just from being around. I haven't seen him there and I don't think they have been making the requests, probably as often as they used to, although they make inquiries from time to time.

Q. They might make those inquiries by telephone and you not know it?—A. Oh, yes.

Q. The Desk Sergeant, his office is in a different room than your office?—A. Well, before I answer that I would like to take a little time off to do that.

Mr. GILLOON. Well I object to that; it would be clearly hearsay.

A. Well, as far as that end is concerned, I can get it from the Sergeant who is on duty during the day continuously; but I think I cover the territory when I say they cooperate with us at all times and they have been broadcasting the information from the station quite regularly; and I say now I haven't seen them around there as frequently as I did before.

Q. Well, that is what you mean; they haven't been around as frequently as they had, but whether they received the in-
261 formation from someone else, you would not be in a position personally to know. What you mean to say is they haven't requested you for information; is that it?—A. Not just recently, but I think I covered the situation when I said they have at all times cooperated; at all times when we had anything they always did that willingly.

Q. They always did that willingly?—A. Yes.

Q. Now Chief, I will ask you to state whether or not in the State of Iowa, through the Department of Investigation main-

tained through the Attorney General's Office, that there are several broadcasting stations handling police matters?—A. Yes; there are.

Q. Over the state of Iowa?—A. Yes; there are.

Q. And crimes that are committed in the State of Iowa are reported to that station and relayed to the various police departments all over the state, are they not?—A. That is correct.

Q. And you have and maintain in the Police Department of the city of Dubuque, Iowa, a receiving set that takes the messages from that station so maintained?—A. Yes, sir.

Q. And if a crime is committed in the city of Dubuque of which you have knowledge and you have not already apprehended the suspect it is your duty, in cooperation with the State, to inform the Department of Investigation so that it may be relayed all over the State to the different police departments? That is true isn't it?—A. Yes.

Q. And that service so far as policing the State of Iowa, is maintained regularly?—A. That is correct.

Q. Now you said that you were familiar with the plans of the Telegraph Herald to establish a station here. Now what radius were you informed that that station would serve from the city of Dubuque? What I mean by that is, miles in all directions from the city.—A. From 70 to 75 miles.

Q. How many?—A. Possibly 75 miles.

Q. Did they tell you that?

Mr. LOVETT. I think it was 40 to 50.

Q. Well, I am asking him for his knowledge now. Who informed you?—A. Some of the members of the Telegraph Herald.

Q. Who was that?—A. Mr. Arndt I talked to.

Q. When did he do that?—A. Some time ago.

Q. How long ago?—A. I don't recall the date exactly of the occasion; I didn't make a note of it.

262 Q. Well, was it a week ago?—A. It was a couple weeks ago. I understood that it wouldn't cover a territory any further, and maybe not that far.

Q. Well, now, what did you understand about that?—A. Probably 50 to 75 miles; I can't get that exact, I may be mistaken.

Q. Well, would the distance have anything to do with your use of it?—A. Well, it would. Of course, the further the distance, possibly the more value it would be at that particular time, because any station—because this would be picked up by stations other than those that are set upon the wave for our State station, Frank. The only use we figured was—WKBB, information sent out by them is picked up by the ordinary receiving set; whereas the State stuff is sent out for the purpose of being

picked up by the police set and the Sheriff's set on that particular wave all of the time; and consequently the information given out by WKBB or any other station would be picked up by people other than possibly just the receiving sets and that possibly wouldn't get this because it wouldn't be on the same frequency.

Q. Yes, and of course, that would be limited to the reception area?—A. Yes.

Q. And in those instances that would apply only to information which you would desire to broadcast for the apprehension of a fleeing criminal?—A. Yes.

Q. That is what you had reference to?—A. Yes; that is the point we had in mind; naturally.

Q. With reference to the safety talks; that principally applies to the city of Dubuque area, your safety drives and talks; that applies principally to the City of Dubuque, that you are interested in?—A. Oh yes; yes.

Q. And do you know whether or not all of our schools here in the city, both parochial and public, grades and high schools and colleges, have receiving sets in their classrooms so that safety talk would be received by the school children with the same force and effect as of speakers going into the schools and colleges?—A. Well, I am not familiar with that. My intention of mentioning any safety talk over the radio station——

Q. It would be meant to reach people outside the schools?—A. Yes; and the students as well.

263 Q. That had access to radios?—A. Yes; and of course, the greater number of families have receiving sets of some kind that we could reach more people in that way; but so far as the pupils, I don't know how many rooms are equipped.

Q. Well, if the rooms are equipped with radio receiving sets they could all be reached as well as the home, through WKBB facilities which we have now, could they not?—A. Yes.

Q. That is true, isn't it?—A. Yes.

Q. Now if the application of the Telegraph-Herald for the station which it is applying for is granted and the station established here, would you also use the facilities of the present station WKBB after that time?—A. I don't know why we shouldn't.

Q. You wouldn't differentiate between the two, would you Chief?—A. Well, I don't see why we should.

Q. That is all.—A. If you have got a good grocery store on one corner and another on the other, there is no need of condemning one or the other because of it. Of course, we would be glad to have the facilities.

Redirect examination by Mr. LOVETT:

Q. Would you state whether or not the facilities of any existing station have been freely offered to your Department and

plans suggest for their use by your Department?—A. What is that, sir?

Q. Read that. (Question read by Reporter.)—A. Well, they have always been willing to broadcast anything that we were anxious to have put on the air for us at such times that they were broadcasting. There might be a question between two different broadcasting stations; one may have 24-hour service and one may have less; and of course if you have got two groups that you can draw on, that is better than one. There is no question about that. It would be a question of what the hours would be that their station would be available.

Q. But the point I was trying to bring out was, whether any special effort had been made to have you use the facili-
264 ties; any offer or plans made for the use of the facilities?—A. No; I wouldn't say that just in that way; but they have always been willing.

Q. Whenever you wanted to use it?—A. Yes; and I have never been refused it on any request that was made.

Q. That is all.

Recross-examination by Mr. GILLOON:

Q. You and the Police Department determine for yourselves the matters in which you want to employ in apprehending or attempting to apprehend criminals. You control the method of doing that? That is in your charge?—A. Yes; sure.

Q. You would not welcome the representatives of a radio station coming in and telling you how to run your Department, would you?—A. Well, I don't know as either of them would try to do that. They couldn't expect to be successful in that.

Q. No; and you wouldn't expect them to, would you?—A. No; I guess that won't happen.

Q. That is all.

J. W. GIELLIS.

Mr. BEN H. WALKER, called as a witness on the part of the Applicant, after having been first duly sworn by me as Notary, testified as follows:

Direct examination by Mr. LOVETT:

Q. Give your name, your residence, and your occupation, please?—A. Ben H. Walker. The residence is Lancaster, Wisconsin. My occupation is County Agricultural Agent of Grant County, Wisconsin.

Q. Mr. Walker, will you state whether or not you are generally familiar with the plans of the Telegraph-Herald to establish a radio station to serve Dubuque and nearby counties, including

Grant County?—A. Do you want me to state whether I am familiar?

Q. Yes.—A. Yes, sir; I am.

265 Q. Will you state what the attitude of the Telegraph Herald has been and is now toward agricultural problems in their news columns?—A. Well, their attitude in the past has been to give every cooperation they could as a newspaper with respect to items of news value or educational value.

Q. If their plans be successful and they be permitted to establish a station here, and their facilities are freely offered to agricultural agents, to what extent will you be willing to cooperate with the station, using topics of agricultural interest?—A. Well, first; I can see a lot of possibilities of education in through the extension of radio facilities; and so far as my county is concerned I am satisfied in my own mind that a lot of programs, both of interest and value to our people, could be developed and adapted to radio procedure that would be of tremendous value to us.

Q. What, if any, radio programs are received in your area now of interest to farmers?—A. You are asking the question from the standpoint of effective educational value to farmers?

Q. Yes, and generally. Generally speaking what type of radio programs are received of that educational nature?—A. Well, we are getting very little that persuades the farmer that he may want to do something about a problem that he may have. In other words, so-called farm programs that may reach our people are not adapted to effective local educational value as applied to our local problems.

Q. What is the special agricultural activity engaged in in your county?—A. Do you mean the activity of the agricultural line?

Q. Yes.—A. Well, that is livestock, and very productive of beef cattle and some sheep and a lot of poultry. Grant County is the largest hog producing county in the State of Wisconsin. Grant County produces about seven million pounds of butter a year, which is the second highest butter producing county in the State; and our county produces about seven million pounds of cheese, which is a long ways from being the top in the State, but that is a lot of cheese.

Q. Do I understand that the programs that are now being received are general in application rather than localized
266 to meet your particular needs?—A. That is correct. To bring that out a little bit more clearly I could suggest, oh, one or two or three problems that are important from an economic and social standpoint to our people that aren't touched at all on the general broadcast stations: for example, our county, along

with several, in fact, most of these counties in this area have been for a number of years in what we call a white grub area.

Mr. GILLOON. Pardon me; what was that?

A. A white grub area; and they do a tremendous damage. They are doing tremendous damage this year to our corn. There are many sections of our country reached by general stations at which they know nothing at all about white grub because they don't have it; and Mr. Graber of the Agricultural College of Wisconsin has been working for a number of years; beginning a course in an experimental way, but now in a demonstration way, of ways and means of—well, I have used the term of "outwitting the white grub," to the end that it doesn't do as much damage as it otherwise would. Well, now, we could use a radio station that covers our county to a considerable advantage in making our people thoroughly acquainted with the life cycle and the nature of the white grub, and with preventive measures for controlling white grub injury crops. I could suggest other problems, but that is an illustration of how a station in which the program is designed to discuss a particular problem peculiar to farmers in a given area, could be used to very good advantage.

Q. It has been suggested here, this morning, that these proposed facilities would be available for weekly broadcasts to each of the six counties which the proposed station will be expected to serve on the whole or in a large part. Would you be willing to cooperate on such a schedule, or would you consider such a schedule would be helpful to further your efforts in your department?—A. You are suggesting a weekly broadcast, and if I may assume, you mean also an adequate time of day?

Q. Yes, to be determined.—A. Yes, we could use the facilities to very much advantage.

Q. Would there be other occasions when you would utilize the facilities of the station?—A. If you are asking the question
267 from the standpoint of occasions in which it would be advisable to pick up the program from where it is put on and put it over the station, yes, it would be. It would be considerable.

Q. Can you illustrate?—A. Our farmers, until the drought was at its height this summer, were very much interested in the corn-husking contest this fall. Right now I don't know if we will go through with it. I think we will. That type of event in the county lends itself very well to broadcasting, with a great deal of interest to the people. We are having at Platteville on the second and third of October, for example, a draft horse show. It is an educational program, and an occasion of that kind would lend itself to some broadcast.

Q. Would you be interested in making emergency announcements over the air?—A. Yes.

Q. To the farmers?—A. Yes; there would be. I can think of one that I would have liked to have had last week. We didn't get any grasshopper injury until about three weeks ago. That is, severe grasshopper injury, and by telephone I arranged with Mr. Chambers, the State Entomologist, to get four barrels of sodium arsenite, poison to use in making poison bait, and I could have used radio facilities very nicely to have hurried up the information to farmers in my county that we had it available, for example, one barrel at the C. C. C. Camp, at Bloomington, and Lancaster, and Platteville; and I missed the newspapers by the time I got it in the county and I had no way of announcing it to the farmers that it was available and what they should bring in the way of containers to take it out, and the like.

Q. Are there any radio facilities available to you now for which you would desire to use these facilities?—A. No.

Q. That is all.

Cross-examination by Mr. GILLOON:

Q. Do you know the distance from Dubuque to Lancaster?—A. Yes, sir; thirty miles.

Q. Where is Lancaster located in the County of Grant?—A. It is very close to the geographical center.

Q. How far is it from Lancaster to the northerly line of the county?—A. Straight north to Boscobel it is 54 miles,
268 from Dubuque to Boscobel; in other words, Boscobel is 24 miles beyond Lancaster. The farthest tip of Grant County from here is 66 miles. That is by road now; what it would be straight across I don't know. That is at the northeast corner of the county, the village of Muscoda.

Q. How many miles is it from Dubuque to the easterly border of the County of Grant County, Wisconsin?—A. Well, that would be twelve to fourteen miles.

Q. Where?—A. East. Right straight east.

Q. Is the county wider in the north than it is at the south portion?—A. Because of the river; the county bulges out on the Mississippi and comes down on the west side; you see, we are bordered on the north at Muscoda by Richland County and at Boscobel by Crawford, and it borders on the Mississippi which makes a very wide bend and then it cuts to the east very much to where the south end of the county is only two townships wide.

Q. What is the distance from Lancaster to Madison, Wisconsin?—A. About eighty-three miles; right close to there.

Q. 83?—A. Yes.

Q. By road?—A. Yes.

Q. What is it by air line?—A. Oh, I wouldn't know the exact distance.

Q. It would be a shorter distance, would it not?—A. Yes; it would be; but not appreciably shorter; by going to Madison by going twelve miles north to Fennimore and then cut straight east on Highway No. 18, Federal Highway.

Q. Where is the Wisconsin Agricultural College?—A. At Madison, Wisconsin.

Q. And the Agricultural College makes use of WIBA at Madison?—A. Yes, sir.

Q. And does Professor Graber use the facilities of the station for talks?—A. Well, he does sometimes.

Q. Do others?—A. Yes.

Q. On farm problems?—A. Yes; that is correct.

Q. How is the reception at Lancaster of WIBA?—A. Sometimes it is good and sometimes it is not good.

Q. Do you know what power that station has?—A. No; I do not.

Q. Do you have a radio?—A. Yes, sir.

Q. In your office?—A. No; not in the office.

269 Q. At your home?—A. Yes.

Q. Is that the radio you attempt to listen to the programs of WIBA through your own radio?—A. Yes.

Q. And you say the reception is sometimes good and sometimes not so clear?—A. That is correct.

Q. And during the times that it is not so clear is that during stormy or inclement weather?—A. Well, not always.

Q. The reception differs in similar weather?—A. Yes, it does.

Q. What kind of a set have you?—A. Gosh, I can't tell you; it has been three years since I bought it.

Q. Three years since you bought it?—A. Yes; uh-huh.

Q. You also get at Lancaster Station WTMJ, Milwaukee?—A. Yes.

Q. Do you recall whether that is on a frequency of 620 kilowatts?—A. I don't know.

Q. Do you recall where you get it on the dial?—A. Well—

Q. Well, that seems to be the——A. In my use of the radio at home I don't pay very much attention; they pay more attention to what spot to pick it up than I do.

Q. Do you make much use of the radio yourself?—A. Well, certain types of programs. Certain types of programs; particularly of an educational nature; sometimes a ball game; a prize-fight of some considerable national importance if I am where I can listen to one. If I am advised in advance of programs that I think I might be interested in I try if I can to tune in on them.

Q Uh-huh. Now in disseminating information from your office to the farmers of Grant County, what facilities do you employ at the present time?—A. The mail.

Q. The mail?—A. Yes.

Q. And is that by the use of a postcard?—A. No, that is almost entirely by the Government frank.

Q. The government Frank?—A. Yes, sir.

Q. And do you use a mimeograph?—A. Yes, sir.

Q. And is that the way you call your special meetings?—A. Yes, sir; committee meetings.

Q. The greatest distance; the greatest drive to Lancaster would be about approximately thirty miles from the farthest point in the county?—A. About thirty-six miles from two different points, the southeast corner and northwest.

270 Q. You accommodate your meetings to certain sections in school houses; you have township meetings?—A. Yes.

Q. And you call those through the mail?—A. That is correct.

Q. And education the farmer to the use of this grasshopper poison did you employ the special local township meeting?—A. No, we did not.

Q. How did you go about it?—A. We were so limited in the quantity of poison we had from the State, it wasn't necessary to have these meetings.

Q. You took it up with certain individuals in border sections?—A. Yes; and it wasn't very long until it got to be pretty well known.

Q. Yes; it spreads, and what poison bait you had available, or the poison you had available for making the bait; it is mixed with wet bran?—A. We used sawdust.

Q. Is that supplied free of charge to the farmers?—A. Yes, sir.

Q. Through the United States Agricultural Department?—A. I couldn't say to be sure whether the U. S. D. A. participated with Mr. Chambers in that or not.

Q. But the United States Agriculture Department has been making quite an extensive study and survey of means of annihilating or eliminating this pest, has it not?—A. So far as I know, it has.

Q. Well, you keep in touch with those things as an Agricultural Agent; that is one of your problems, is it not?—A. That is true; but it is impossible to keep in detailed touch with everything.

Q. Well, I mean generally?—A. Yes.

Q. They have been formulating some means of outwitting the grasshopper?—A. That is true.

Q. And its inroads have been more extensive in the West than in this section; that is true, isn't it?—A. Yes. My information

on that mainly comes from newspaper reports, rather than direct information from the official report of the U. S. D. A.

Q. Have you ever heard agricultural information broadcast over WKBB, or from WKBB?—A. Here?

Q. Yes.—A. Yes, I have; very little. I have myself used WKBB some; but not lately.

271 Q. The facilities of the station have been offered to you?—A. Not lately; no, sir.

Q. Well, they have never been refused you, have they?—A. Yes, that is true; they have never been refused.

Q. And you haven't requested the use of those lately; that is what you mean?—A. No; that is correct. That is correct.

Q. But you did use the station heretofore?—A. Yes, sir. The occasion for discontinuing the use of it was the failure to get a suitable time for our purpose. A couple of County Agents around here were using it for several months and we couldn't agree on suitable time, so the program was just dropped.

Q. You mean one agent wanted one time and another wanted another?—A. Yes, sir.

Q. And the agents couldn't agree on the suitable time?—A. No; the station. We couldn't get a suitable time with the station.

Q. What time did you want?—A. Between five and six o'clock.

Q. In the evening?—A. In the evening; yes, sir.

Q. And you thought that that was the preferable time?—A. No. No, that was a very poor time for our program.

Q. No, you mi-anderstood my question. I asked you what hour the agents preferred?—A. Well, I can't speak for all of them; I can only speak for myself.

Q. Well, didn't you have any meeting, or "get-together" your six agents in this territory?—A. Well, he had a committee representing the agents.

Q. Were you on the committee?—A. Yes, sir.

Q. Well, what time did you determine upon as a committee?—A. We would have preferred sometime between twelve and one o'clock or as a second preference, somewhere between six or eight o'clock in the evening.

Q. Yes?—A. But at that time a time on the air between six and eight in the evening would have been out of the question, because the station couldn't operate. I don't understand anything technically about a station getting out, but I presume it didn't have enough power; but as we approached six o'clock in the evening, other stations cutting in, and they just couldn't
272 get out and deliver successfully. We had some trouble between five and six o'clock in the evening.

Q. But do you remember what hour of the day it was offered to you, or what time?—A. Well, the only time it was ever offered to us was between five and six o'clock in the evening.

Q. Do you know that Mr. Kerrigan, the Agent for Dubuque County, broadcasts every Monda at noon?—A. No. Do you mean that he is now?

Q. Yes.—A. I didn't know that.

Q. How long is it since you requested any time on WKBB?—A. Oh, it has been approximately a year.

Q. A year?—A. Yes.

Q. And the reason for not taking the later hour, say from five to eight, or in that territory, was due to inadequacy of power at the station to serve the radio audience that you desired to reach?—A. Well, not entirely that. Between five and six is a bad hour regardless of the power, for farm people.

Q. For farm people, to get them as listeners?—A. Yes; that is correct.

Q. And the later hour, from six to eight, in that territory, that was not acceptable because of inadequacy of power?—A. That is correct.

Q. And how about the noon-day period?—A. To the best of my knowledge we were never able to get the station interested in a noon hour. I was on the committee with Mr. Kerrigan and Mr. Brunnemeyer from the adjoining county in Illinois, and we usually left it to Mr. Kerrigan to make the contact with the station because he was conveniently located here where he could. And after we quit using the facilities he never reported back to any of us that he had been able to make a satisfactory arrangement with them for a time that would be suitable for our type of work.

Q. You didn't contact any representative of the station personally on the subject?—A. No; no, sir.

Q. Now, did I ask you if you ever requested the facilities of WIBA at Madison to serve your purposes?—A. No; no I haven't.

Q. That does serve that whole southwestern section of Wisconsin, does it not?—A. It gets in there.

273 Q. Including Grant County?—A. Yes, it gets down to Grant County. I have never had any way of testing how many radios and under all types of conditions, how the reception would go.

Q. No, you don't know what the general reception would be.—A. No. From our standpoint and from the standpoint of using WIBA, it is too far for us to go.

Q. Have you ever taken up the white grub problem you have, you say, in your county, with the Agricultural College at Madison?—A. Yes, sir.

Q. And is your county the only county that the white grub exists in?—A. No, no.

Q. Is that pest quite general over the same section that is subject to the same climactic conditions and ground conditions and crop conditions?—A. I can't say as to that, except that there has been an area around Dubuque here for—oh, 15 or 20 years in which there has been more grub injury than sections outside.

Q. They usually work in the sod-ground?—A. Yes. The June beetle usually lays its eggs in the grass types of plants; bluegrass, or small-grain.

Q. Do they law the eggs in corn?—A. Well, they don't lay the eggs in the corn: but if you plant the corn in the grass ground that eggs were laid in last year, they do more damage.

Q. They work more extensively in the dry weather?—A. I wouldn't say they work more extensively, but they do more damage in the dry weather.

Q. Yes; they do more damage in the dry weather?—A. Yes: correct.

Q. What is there to do about it?

Mr. LOVETT. Mr. Gilloon, may I ask the materiality of all this questioning?

Mr. GILLOON: Yes. I want to know what information he can give the farmers.

Mr. LOVETT. You are going into needless details. He has gone into that and that the radio facilities now are inadequate, and I don't see how any details with reference to the grub or the Agricultural College of Wisconsin has to do with it.

Q. Well, answer the question.

Mr. LOVETT. Well, he ought to have the lunch period.

274 Mr. GILLOON. Well, you kept us here in the lunch period and inflicted this man on us. Read the question.

(Q. read by Reporter) "Q. What is there to do about it?"

A. Well, the pasture lands; Mr. Graber over a period of years has been able to demonstrate beyond any reasonable doubt, that the disking of grub damaged pastures early in the spring, and reseeding them with legume seed such as alfalfa, sweet clover, and red clover, is an effective way of repairing the damage done by the grubs to the pasture, and that type of land if left in pasture will gradually work into bluegrass with some sprinkling of alfalfa and clover carrying over. The secret of that procedure is the fact that June beetles do not lay many eggs in legume sods. I could give you a very striking illustration of that if you want it.

Q. Oh, I don't want quite so much detail. Isn't this same information given out by Mr. Graber?—A. Mr. Graber don't give it out.

Q. Over the radio in his talks?—A. He don't give it out covering all of our farmers in the county, and he wouldn't have the facilities. I will put it this way. It is my opinion that he wouldn't have the facilities at the Madison station to give enough repeated attention to it to persuade a fairly large percentage of the farmers to want to do something about it.

Q. I think that is all.

Mr. WALL. No cross examination.

Redirect examination by Mr. LOVETT:

Q. Just two or three questions on Re-Direct Examination. You referred to the fact that you listened to educational programs, in answer to Mr. Gilloon's questions. Do you include in that agricultural programs?—A. Not to any great extent.

Q. As a matter of fact, the type of programs you listen to over the air; do you listen to agricultural programs; such as are available?—A. Not to any great extent; and may I give the reason for that?

Q. Yes.—A. Well, I am wrapped up in educational problems from early morning until night six days a week, and
275 sometimes on Sunday; and I like to break off on something else.

Mr. GILLOON. During your radio time?—A. Yes.

Q. But you know of your own knowledge that the facts stated by you on Direct Examination as to the availability of broadcast of things of that nature in your area?—A. I am thinking of the use of radio in education in agriculture; from the standpoint of reaching this farmer directly on a problem that is of concern to him, and that we may by that and other means persuade him to do something about it. Now, we may do this, and this, and this; but in my work my job isn't finished until this farmer does something about this particular thing.

Q. And you know of your own knowledge that radio facilities for that purpose are not now available?—A. That is correct.

Recross-examination by Mr. GILLOON:

Q. How do you know that?—A. Well, none of it is being done.

Q. Do you listen to the agricultural programs over WKBB that are broadcast daily?—A. No, sir.

Q. And you haven't tuned in to them?—A. No sir.

Q. And if they are broadcast, you know nothing of it?—A. Yes.

Mr. LOVETT. Do you hear WKBB in your county?—A. Just in the daytime at times.

Mr. GILLOON. Now, just a moment. We move that answer be stricken out as an incompetent conclusion of the witness and hearsay.—A. What is the question?

Redirect examination by Mr. LOVETT:

Q. Do you hear WKBB in Grant County?—A. In Grant County?

Q. Yes.—A. Yes.

Q. In all parts of Grant County?—A. No.

276 Q. What part can't hear it?—A. In the north, beginning with Fennimore, north to Boscobel, and in the northeast section.

Q. Is that at nighttime, or in the daytime?—A. Well, at nighttime you can't hear them clearly even as far, our station, at Lancaster.

Q. Were the facilities of WIBA at Madison ever offered to you?—A. Not to put on a piece of educational work that was prepared and directed toward a problem in Grant County. I have talked over WIBA on two or three occasions at invitation by the station management on subjects that were of general interest to farmers in the state.

Q. I believe that is all.

Recross-examination by Mr. GILLOON:

Q. When did you tune in on WKBB at Fennimore?—A. I haven't tuned in on them at Fennimore.

Q. You never listened for them at Fennimore?—A. No, I haven't.

Q. Have you ever listened for them at Boscobel?—A. I have a wide acquaintance——

Q. No, no. You answer my question.—A. All right. No sir.

Q. How frequently have you tuned in on WKBB at Lancaster?—A. My family tunes in on them.

Q. No.—A. You are talking to me, personally?

Q. Yes.—A. Personally I don't pay any attention to WKBB.

Q. You don't?—A. No sir.

Q. And whether your radio is tuned in on WKBB when you are home, you don't know of your own knowledge?—A. My information on the reception of WKBB comes from the attempts of my family to be served.

Q. Well, how do you know that?—A. Well, a man would know if his wife and two sons, one 16 and one 17, and a daughter——

Q. Don't argue now. How do you know it if you didn't operate the instrument yourself, you said?—A. I know it by being in the room where members of my family have tried to pick up the station.

277 Q. From hearsay?—A. No; not from hearsay.

Q. Did you see the dial?—A. Certainly.

Mr. LOVETT. Did you hear the announcement of the Station at the time?

Mr. GILLOON. Just a minute; we better let the witness testify, don't you think?

Mr. LOVETT. I want to help you.

Mr. GILLOON. Well, I think I will manage that part all right.

Q. How did you know it——A. Why——

Q. From your own knowledge?—A. The only way that one could know it; by their making an attempt to get the station and not get satisfactory reception.

Q. Did you get the station?—A. Occasionally, to tell what station it is.

Q. Do you know what frequency it is on?—A. I don't pay any attention to the figures on the dial.

Q. Well, you have never tried, yourself, by the operation of the instrument, to get WKBB?—A. Yes; I have.

Q. How many times?—A. Not very much, that is correct; if you are talking to me, personally.

Q. Yes; I am. You are the witness.—A. Well, if I said "never," that wouldn't be true.

Q. But very few times in the last three years?—A. That is correct.

Redirect examination by Mr. LOVETT:

Q. How successful were you when you did try?—A. Not very successful.

Q. It wasn't satisfactory reception, is that it?—A. Yes.

Q. That is the reason you didn't try other times?

Mr. GILLOON. We object to the question as leading.

A. Yes.

Q. Why didn't you try other times?—A. Is that your question?

Q. Yes.—A. Well, if you want the question answered, I will answer it. Both from the standpoint of reception and the standpoint of the nature of the material; I wasn't interested.

278 Recross-examination by Mr. GILLOON:

Q. How did you know what the material was? Where did you see the program?—A. Well, I have broadcast quite a number of times over WKBB.

Q. You have broadcast?—A. I have broadcast quite a number of times over WKBB.

Q. What did you broadcast?—A. Agricultural material.

Q. Agricultural material?—A. That is correct.

Q. And you thought from the nature of your material that the program would not be interesting, was that it?—A. If our people could have picked up the program I think it would; yes, sir.

Q. I think that is all.

1:10 o'clock P. M. Meeting adjourned to 1:45 P. M.

BEN H. WALKER.
Witness.

Mr. FRANK E. RALPH, called as a witness on the part of the Applicant, after having been first duly sworn by me as Notary, testified as follows:

Direct examination by Mr. LOVETT:

Q. State your name, residence and occupation.—A. Frank E. Ralph, Lancaster, Superintendent of County schools.

Q. Mr. Ralph, are you familiar in general with the plans of the Telegraph Herald to establish a radio station in Dubuque to serve Dubuque and nearby counties?—A. Well, I have talked over the matter with your representative of the Telegraph Herald and I don't know that I am very familiar, but I know a little something of it.

Q. In general?—A. Yes.

Q. Will you state, in view of your knowledge, what recognition and what cooperation the Telegraph Herald has extended to your County in connection with its school problems?—A. Well, of course, they have been very nice about carrying the news of the schools around this vicinity and they have put on several contests in which many of our schools have taken part.

279 Q. Mr. Ralph, if this proposed station be established, to what, if any, extent will you be willing and desirous of cooperating with them in the preparation and broadcasting of an educational program?—A. Well, we could use this station, I think, to advantage. For instance, in our special meetings. We put on a contest every year in writing, arithmetic, and spelling, and the final contest is held at Lancaster; and I think we could use it probably in that connection. We have also in connection with our schools a County Nurse, and I am sure that she would be willing to go on and give a program once in a while on health problems.

Mr. GILLOON. I move that the last answer of the witness in regard to what the County Nurse would be willing to do be stricken out as predicated on hearsay.

A. No; it isn't on hearsay. I am on the committee that hire her and control her; so I think we can work her in on that. I happen to be a member of the Health Committee of the County.

Mr. GILLOON. You can continue, then.

A. Well now, we are—have been trying for the past two years to put on a good strong program in reading, especially in lower grade reading, and I think we could arrange a program or two

to attempt, at least, to have the parents a little better acquainted with the work we are doing in that line. Then we are attempting also to keep out under-age children; children under six years of age out of the schools. There would be a good chance to get in contact with the parents and acquaint them with the real disadvantages to the children in sending them to school before they should come, before they are six.

Q. In other words, you have difficulty in getting over to the parents the real place of education in the community?—A. Well, you see, the County Agent has a decided advantage over the superintendents in that respect. He is telling the farmers how they can make money; how they can improve their crop production and milk production, and have better hogs; and all we can do is tell them how they can go out and spend their money; and we are handicapped in getting the parents interested; especially if we are going to do something new on which we might want to lay emphasis.

280 Q. You say, you feel if the Telegraph Herald would have a weekly program, would that be of any advantage to you?—A. Well, of course, that would depend on when they were broadcast.

Q. Assuming it would be at a time agreeable to you?—A. Yes; I think we could use it to advantage.

Q. And you would cooperate in furtherance of such a program?—A. I would be glad to work with the Telegraph Herald on parent programs; and we have fifteen high schools in the county and I think twelve of those principals would be glad to cooperate.

Q. And do you have any talent in the school system?—A. Yes; we have a band in most of the high schools under special direction, and in many of the schools they have orchestras, and then they do have some vocal organizations and do singing. Lancaster has quite a nice boys and girls' glee club.

Q. Would they be available on broadcast occasionally?—A. They would be glad to help. Then there is another point I would like to mention in regard to the safety program. We have a safety program; the whole State is organized. I think every county in the state is organized, trying to carry out a safety program, and the schools have been asked to cooperate with them, and I don't see why we couldn't use these facilities to work along that line also.

Q. Would there be times when an emergency came up that you would like to make announcements?—A. Well, it would be very nice to have that privilege, last winter, of broadcasting to the parents when we were frozen out for four or five weeks. Many of the schools were frozen out two or three weeks.

Q. And how did you get the knowledge to the parents?—A. Through the school boards. Of course the School Boards have the authority to close or open.

Q. That information is transmitted by telephone and newspaper?—A. Yes.

Q. Are any radio facilities now available to you for the purpose which you have suggested?—A. No; not that I know of.

Q. I believe that is all, Mr. Gilloon.

281 Cross-examination by Mr. GILLOON:

Q. Have you ever sought or requested the facilities of the local Station, WKBB?—A. At East Dubuque?

Q. Yes.—A. No.

Q. In any of your work?—A. I haven't. The fact of the matter is, I didn't know that they were doing that kind of work.

Q. You didn't know that the station was open to the public?—A. No; I didn't.

Q. If you did know, might you avail yourself of the opportunity?—A. What is that again?

Q. If you did know, might you avail yourself of the opportunity?—A. Yes; I think probably I should have.

Q. You may, now that you have that knowledge, employ that station to disseminate the knowledge that you have related here?—A. I suppose I could.

Q. This program of limiting public education in the schools to those above the age of six years; is that a propaganda program, or is it the policy of the state?—A. I don't know just what you mean by "propaganda program."

Q. Well, I mean, is it being urged by a group to sell it to the parent and have it adopted by the schools?—A. We are urged by the State to sell our educational proposition to the parents and try to get them more interested. Now, the fact of the matter is, many of the parents in the country today are interested, as I said a while ago, in raising good hogs and good cattle, than they are in schools.

Q. Yes; but to keep to this six-year proposition?—A. Oh, you mean the under-age?

Q. Yes. Under the school laws of the State of Wisconsin is the years which—or the age when children may commence going to the public schools, is that statutory?—A. It is. It is from four to twenty.

Q. From 4 to 20?—A. They start to draw State money when they are four years old.

Q. And they start in the kindergarten?—A. Yes.

Q. When they are four years old?—A. Yes.

Q. And what you mean is, when you disseminate propaganda, to say it would be favorable to keep the children out of the school, until they reach the age of six?—A. Well, only in the country schools; they have no kindergarten.

282 Q. Well then, this only applies to the country schools?—A. Well, it applies to the village schools too. Now we have only three schools in the county that have a regular kindergarten and they have no problem of under-age children; but in the other thirteen villages and cities and in the country we have that problem of under-age children, and it is a serious proposition.

Q. But the matter addresses itself to the Legislature?—A. Yes.

Q. To change the statute on that?—A. Yes.

Q. And it is state-wide?—A. Yes; but I don't see why we in Grant County can't get the parents educated, if we can, to keep the child home until he is of school age. The State Department is fighting that.

Q. It would be as convenient for you to use WKBB for that purpose as a station that might be owned and controlled by the Telegraph Herald?—A. Oh, I suppose so. Yes; I suppose so.

Q. And if you were to employ the facilities of a broadcasting station here at Dubuque to broadcast your writing contests and arithmetic contests and spelling contests, it would be necessary for you to have the facilities carried to Lancaster for that purpose by remote control, over a wire?—A. Yes.

Q. You have never taken that matter up with the local, WKBB?—A. I never have thought of it.

Q. You thought of that since you came here?—A. No; I never thought of it until this gentleman from the Telegraph Herald came up and interviewed me three or four weeks ago when he was up to Lancaster.

Q. Oh, yes. The weather reports are broadcast from stations at Madison, are they not, daily?—A. We get the weather reports. I don't get the Madison stations so much. I get the Chicago stations.

Q. And they give you the Wisconsin weather reports?—A. Yes.

Q. That is your personal experience?—A. Yes.

Q. Madison also broadcasts them?—A. I have trouble getting Madison. I don't know whether it is my radio or the station.

Q. How old is your radio?—A. Oh, it is old enough.

Q. How old?—A. Six years.

283 Q. What make?—A. A Majestic. I bought it when they were the highest.

Q. You frequently have it overhauled?—A. Yes.

Q. And keep it in good condition?

Mr. LOVETT. Ask him how many tubes it has.

Q. Well, that is your suggestion. How many tubes has it? Mr. Lovett suggests that I ask you that.—A. Well, I don't really know much about radios, but I believe it is an eight tube. I imagine it is; it cost enough to have fifty tubes, I know that.

Q. You have a little difficulty with it?—A. No; not a great deal.

Q. Oh, you mean the original cost?—A. Yes; but I had a little hard luck with it; the lightning got into it and I had some trouble with it the first year, but now it works fairly well.

Q. Now, the County nurse works through the Grant County Health Board?—A. Health Committee.

Q. Health Committee?—A. Yes.

Q. You are on the county committee?—A. I am a member of the county committee by virtue of my office; I am Secretary of the committee; the County Chairman and the County Judge and a lady member elected; a lady at present is serving.

Q. Now, you work through the local health departments of the different townships in the county?—A. I work with, do you mean?

Q. Yes.—A. Yes.

Q. I think that's all.

Mr. WALL. No examination.

Q. Just a minute. What hours do you understand this proposed station will operate?—A. Do you mean to serve the county, do you mean?

Q. Well, what hours would it operate?—A. Well, of course——

Q. Do you understand? Have you been apprised of the hours applied for?—A. Well, I don't know what hours they have applied for, but I know to serve the homes in the country the best hour according to my judgment, would be the noon hour.

Q. The noon hour?—A. Of course, that wouldn't, if we come to the place where we get radios in our schools. Until
284 we get radios in our schools that wouldn't do the children any good at all; the night hour would be better for them, the evening hour.

Q. Well, as Superintendent of the County Schools, how many schools to your knowledge have radio?—A. We haven't any.

Q. You have no radio at the present time?—A. No.

Q. So that you would want the children in the home at the time of the broadcast?—A. Well, I should think they should be there; some of the time at least; wouldn't you?

Q. Well, I am—— A. Asking me, eh?

Q. Yes; what your notion is on it.—A. Well, I would judge that they should be there for some of the broadcasts.

Q. Yes?—A. Now, for instance, if you are putting on a children's program that should be given when the children are in the home.

Q. And that should be sometime after four o'clock?—A. Yes.

Q. After the children reach home?—A. Yes; say after five.

Q. Now at what hour after five would you think would be preferable?—A. Well, I don't know that it would make so much difference if it was a children's program entirely. Sometimes parents enjoy those children's programs; fathers and mothers; and I would say between six and seven.

Q. After the chore hour?—A. Yes; probably about the time for the supper, or the evening meal.

Q. Yes, and that would be during the nine months of the school year?—A. Yes, sir. * (* * * short pause.) Well, are you all through with me now?

Q. Until you were approached by this representative of the Telegraph Herald a short time ago who interrogated you with reference to using a radio station that they had applied for, you had never seriously thought of the matter yourself, had you?—A. No; no I hadn't.

Q. That's all.—A. The fact of the matter is, I know very little about broadcasting. I have never been in a broadcasting station.

Q. That's all.

285 Redirect examination by Mr. LOVETT:

Q. If these facilities proposed by the Telegraph Herald be made available, would that result in the equipment of some of your schools with radio receiving sets?—A. Well, I couldn't say. I rather think it would, but I wouldn't say positively that it would. That would depend quite largely on what price radio sets would be installed. If they weren't exhorbitant in price there may be some put in; but that wouldn't happen all at one time. It would take some time to get that started.

Q. I believe you indicated that until today you hadn't heard of WKBB?—A. Well, I knew there was a broadcasting station at Dubuque, but I wouldn't say—I want to be honest—that I never got it. I never tried to get it; we are in the habit of getting the Chicago stations.

Q. Have the facilities of that station ever been offered you?—A. No.

Q. I believe you testified if the facilities were offered to you that you might make use of those to the same extent as that of the Telegraph Herald?—A. Well, I don't know anything about the East Dubuque station. How large a territory does it cover?

Q. Well, state whether or not that would depend upon which would more effectively cover your area?—A. You see, our terri-

tory, if you get over into the far northeast corner, it is about sixty miles from Dubuque, and I would want to employ the one that would more——

Q.—effectively do the work?—A. —effectively do the work, yes.

Q. That is all.

Recross-examination by Mr. GILLOON:

Q. Now, the installation of radio receiving sets in the schools would depend entirely upon the action of the local board of directors?—A. Absolutely; they run the schools.

Q. They run the schools?—A. Yes.

Mr. LOVETT. And you make the recommendations?

A. I make the recommendations; yes, sir.

286 Mr. LOVETT. That is all.

A. That is all then.

FRANK E. RALPH,
Witness.

Mr. F. L. BURNS, called as a witness on the part of the Applicant, after having been first duly sworn by me as Notary, testified as follows:

Direct examination by Mr. LOVETT:

Q. State your name, residence and occupation?—A. F. L. Burns; Galena, Illinois; County Superintendent of Jo Davies County Schools.

Q. Mr. Burns, you are familiar in a general way with the plans of the Telegraph Herald to establish a radio station in this area?—A. Well, I think in a general way I know what their program is.

Q. Can you state from your own knowledge what the attitude of the Telegraph Herald has been and is now toward the rural school system, particularly the one in which you are interested?—A. Well, they have always been in favor of a school program in general. Of course, I am over all the schools of the county, and not just the rural schools; and it has been a very good newspaper as far as we are concerned; and I think, as a local paper—we have our paper in Galena—I think as far as the local newspaper is concerned, I think the Telegraph Herald is the most widely read in Jo Daviess.

Q. Yet always giving adequate prominence to the problems confronting you?—A. Yes.

Q. Mr. Burns, if the Telegraph Herald be successful in its efforts to establish a station here, to what extent and in what way would you be desirous of using those facilities?—A. Well, not only myself, but other educators of the county, Superintend-

ents of Schools in the various towns I think could make very good use of the broadcasting station in all matters pertaining to education and publicity in regard to our State Teachers' program; especially in the coming year. We expect in the coming year,

287 we expect to have some very important legislation brought before the State Legislature, and it is very difficult for us to get in close touch with the rank and file of the people in the county. They are all interested in education, but they don't know what is going on, and I imagine if we could have a program of this kind we could maybe interest a good many more of them then we would through just sending out circular letters which some of them won't read when they get.

Q. Have any radio facilities been made available to you in the past for this purpose?—A. Not in my county.

Q. It has been suggested by the Telegraph Herald that weekly broadcasts be scheduled, one day each week devoted to each of the six counties which they propose to serve. Would you be interested in cooperating in that program?—A. I think we would be able to take part, and at certain times perhaps it would be quite valuable to us to have that opportunity.

Q. And you could make use of it on special occasions?—A. Yes, sir.

Q. You could use it for broadcasting graduation exercises?—A. Well, they aren't as important as other things. What do you mean? When you have a commencement program, to have it broadcast?

Q. Yes.—A. Oh, sure; that would be fine.

Q. Are any of your schools equipped with radio receiving sets at the present time?—A. Yes, some of them are; the city schools; not the rural schools.

Q. If these proposed facilities become available would that result in the greater use of those receiving sets and possibly the equipment of additional schools?—A. If there was an educational program they might take advantage of that. Some of the rural schools might; it is hard to say about that. I know they do in the city schools; they get that Damrosch program.

Mr. GILLOON. What is that?—A. Several schools get that Damrosch musical program.

Q. So you feel if these facilities become available they could be made more and more a part of the school routine?—A. Sure; they could aid in the general school program.

Q. That is all, Mr. Gilloon.

288 Cross-examination by Mr. GILLOON:

Q. Where does this Damrosch musical program come from?—A. Well, I don't know; is it New York? I think it originates in New York. I don't know much about that, only

I have been visiting schools and when I would go in there in a certain room they would have that program on; it is announced to them what hour it would come on and what the program would be for the week.

Q. Certain of your schools?—A. Some of the town schools get that program quite regularly.

Q. Have you ever listened to WKBB, the East Dubuque station?—A. Yes; uh-huh.

Q. I beg your pardon?—A. Yes, I have, several times: the lunch period when I am home at noon.

Q. The reception comes in all right?—A. Fairly well. That is about the only time I have ever listened in, when they have that news flash.

Q. Uh-huh. When was the plan with reference to the proposed station of the Telegraph Herald disclosed to you?—A. Well, a few weeks ago, I don't remember the exact date.

Q. By whom?—A. The gentleman sitting there.

Q. Mr. ARNDT? A. Well,—

Q. This is Mr. Arndt.—A. Yes.

Q. Prior to that time had you given any thought to employing broadcasting facilities for the purposes which you have enumerated? A. Well, I don't know that I had given it any special thought. We have a good many propositions coming up all of the time and we are very busy in the summertime until we don't think so much about those things until they are suggested to us.

Q. Well, I am just trying to get the fact, whether you thought of it before.—A. Not before I heard from Dubuque.

Q. In other words, in the past you haven't directed your attention to a public program such as you have suggested now?—A. Not over the radio.

Q. Well, I mean over the radio?—A. No. We have other—thought out other methods of getting our program before the people, but nobody had ever made us any offer of that kind, or had suggested it.

289 Q. You never consulted with anyone in connection with WKBB to see whether those facilities were available?—A. No, I never did; in fact I am not the chairman of our publicity committee in the county, and he may have done that; I am not sure.

Q. Well, of course, you don't know that he did?—A. No.

Q. Now, the Chairman of your Publicity Committee, who is he?—A. Mr. M. R. Stephans, Superintendent of Schools at Stockton.

Q. Stockton is outside of Jo Daviess?—A. No; it is in Jo Daviess County.

Q. Well, then; he is under you?—A. His school system is in my county, yes.

Q. But you are over it, are you?—A. But his is a little different: he is publicity chairman for the northwestern division of the Illinois State Teachers' Association, five counties—Jo Daviess, Stephenson, Winnebago, Carroll, and Boone Counties: in northwestern Illinois and we have quite an extensive program that we are going to present to the people this coming year; especially when the Legislature is in session, or before they meet; and he happens to be the publicity chairman of that division, and we had meetings discussing ways and means of getting our educational program before the people. Of course, I am concerned only with my own county and he is concerned with five counties.

Q. How far eastward from the river would the easterlymost point of these five northwestern counties extend?—A. In miles it would go to about ten miles east of Belvidere, which is about fifteen miles east of Rockford. There is a small county there, Boone County, a very small county with nine townships. Belvidere is the county seat.

Q. Do you know the approximate mileage from Dubuque To Rockford?—A. Yes; 95 miles—no; let's see. 78 plus—how far is it from here to Galena, sixteen? Seventy-eight from Galena to Rockford.

Q. Approximately ninety miles?—A. Yes, but that is by Route 20; but it winds around a little. It wouldn't be that far as the crow flies, because we go south and wind around these hills here along the river.

Q. Going back to this Superintendent; of what town was that?—A. Stockton.

290 Q. He is the Superintendent of the city or town schools? A. Yes.

Q. That is outside the limits—— A. Well, it takes in the village of Stockton. Quite a bit of territory outside our school districts overlap in a good many cases.

Q. What I am coming to is this: You say you are the Superintendent of the rural and town schools; all the grade and high schools?—A. Yes, uh-huh.

Q. Of Jo Daviess County?—A. Yes.

Q. What—do you control the policy in the schools under these other superintendents?—A. We, in Illinois, we—a city over a certain population, they have a city superintendent and we don't have much to say about that, only the certification of certificates, but we delegate it.

Q. Well, if you don't have it, you can't delegate it.—A. Well, we have it, but we do what a superintendent would with a city

Superintendent here; he wouldn't really try to do all of that, but we really have the authority.

Q. Over the—— A. Elementary schools of the county, yes.

Q. But the policy of those schools is largely determined by the local superintendent?—A. Well, yes; supervision locally, although we must visit them each year and we must inspect the buildings and see if they meet the requirements of the State law, and see that the teachers all attend the meetings that we call.

Q. Now, there is a station at Rockford, Illinois?—A. Yes; there is.

Q. And do you get reception from that station?—A. I don't particularly; but I know that the County Superintendent broadcasts from that station frequently.

Q. And that is WROK?—A. Yes; the County Superintendent from that county.

Q. You have heard him?—A. I have known he was going to be on the air, but I wasn't always where I had the opportunity to hear him.

Q. If you knew that the facilities of WKBB, East Dubuque, were available for broadcasting purposes—strike that. If the facilities of WKBB at East Dubuque are made available to you, would you employ them for these programs that you suggested?—A. I think we would; yes, if we had the opportunity.

Q. And you would be willing to do that?—A. Yes.

291 Q. You have never sought them?—A. No.

Q. I think that is all.

Redirect examination by Mr. LOVETT:

Q. Mr. Burns, you say you would employ the facilities of WKBB if they were made available. You may state whether or not that would depend upon whether they would adequately cover the territory in which you were interested?—A. Oh sure, if they would cover the county, and the hour of the day and everything else was all right when we had the opportunity, we might make use of them.

Q. That is all.

Recross-examination by Mr. GILLOON:

Q. What hour of the day?—A. Well, we haven't worked out a program or thought that out, but I should say that perhaps in the afternoon or evening.

Q. With your program that you propose through the State Teachers Association to lay before the Legislature of Illinois, what hour of the day do you think it would be best to put that program on? During the teaching hours or after the teaching hours?—A. No, the evening. We want to reach the people outside the schools. It isn't the teachers we want to reach. We

have already reached them; but it is the other people; board members and taxpayers and all these different tails to the kite that have to do with the public schools.

Q. And the evening would be the time to do that?—A. Yes, sir.

Q. That is all.

F. L. BURNS,
Witness.

Mr. CHARLES F. MARTIN, called as a witness on the part of the Applicant, after having been first duly sworn by me as Notary, testified as follows:

292 Direct examination by Mr. LOVETT:

Q. Your name and address and occupation, please?—A. Charles F. Martin, my address is Maquoketa; my occupation is County Superintendent of Schools.

Q. Mr. Martin, state whether or not you are generally familiar with the plan of the Telegraph Herald to establish a radio station in Dubuque to serve this area and nearby counties?—A. Yes, I am in a general way.

Q. Particularly in regard to the service that they propose to render the school systems?—A. Yes.

Q. Can you state of your own knowledge what has been the attitude of the Telegraph Herald in matters of education, particularly as they affect your area? A. Well, we have experienced a fine type of cooperation from the Dubuque Telegraph Herald in educational matters and educational policies. They have always been willing to take care of our school programs and other matters of interest to the public in giving us all the desired space and we have been happy to note at times editorials in their paper indicating what educators construe a progressive attitude in school matters; particularly rural problems.

Q. If they would be successful in their efforts to locate a station in Dubuque, would you be willing and desirous of cooperating with them in producing educational programs?—A. Yes, insofar as our program and facilities make it possible.

Q. Would you state to what extent and in what manner you would cooperate?—A. Well, that is a matter of cooperation. We would be willing to, in fact, I don't like the word "willing"; I believe we would be happy of the opportunity to get before our people certain types of educational programs, certain types of policies of which they are ignorant at the present time; and with the broadcasting facilities at hand we feel the opportunities there would be unlimited, and so far as setting up a definite program is concerned, I would be reluctant to go into that at the present

time, excepting to say that if we could have fifteen or thirty minutes a week to present some phase of educational program or policy to the people of Jackson County, I feel that would
293 be worth untold value. We find in our rural district that our school consciousness is far beyond what we would like it to be if we are to put on and carry on an educational program; and we, because of our limitations in our office from the standpoint of help, are unable to reach all the people in Jackson County and put these notions of better school programs across. I am not thinking of a program of a lighter nature; I am thinking of the fundamental things of education, and fundamental things of life, and that is what we have in mind. We have a State Superintendent of Instruction who is interested in improving our rural schools and a rural program in the schools, and we can go just as far as the people will go along on those things. In other words, we can't start out with a rural teaching staff in a county or rural area, and ignore completely the parents in the home in their knowledge and understanding of what we are trying to do is concerned; because any problem that is carried on without the consideration of the actual patrons of the school is, of course, doomed to failure, and we find that a problem in our county particularly, and when the people find the new things we are trying to do in the way of instruction—because of the fact we don't have the opportunity to contact the patrons in groups, it is quite impossible but with any county-wide program such as radio facilities in the homes, would make it possible. Now, perhaps that is not of the lighter nature such as we use our radios for today, but I think it is fundamentally of far greater value than spending a half an hour listening to a "jazz" program, or any musical program of that type, because we are trying to do the fundamental things of that sort, and that is what I feel would be the real value of that station which you contemplate erecting here in Dubuque. Now that is pretty general, and I don't suppose you want me to take time to go into details on that matter, but the same thing would apply to teaching, agriculture, and health. We have health programs in rural areas at times, the control of which parents and patrons know little, and we have attempted to put on a public health program, but due to opposing influences such as the Norman Baker influence a few years ago from Muscatine, we have practically had our hands tied in going very far with a health educational program. The radio facilities such as you contemplate would
294 help a great deal to get this information about controlling the contagious diseases; it would go a long way.

Q. You are referring to the regular weekly program that you suggest?—A. Yes. I mention that because that might be

worked in as an occasional hour or half hour or fifteen minutes, as a phase of education that these people in the country need very bad.

Q. Aside from these weekly broadcasts you recommend, would there be other occasions when you would make use of the facilities?—A. Yes. We in Jackson County value quite highly our rural chorus of boys and girls in the rural schools. Of course, you know the high plane of teaching rural school music: and the gist of the whole thing is to develop a rural school chorus in which we have all the pupils of the school. We have a junior and senior chorus which takes in the entire enrollment. Now each year we have a half or three-quarters of an hour set aside for the rural school chorus, and that is the thing the people come to hear; it isn't the commencement speech: it is the rural school chorus; and we feel a broadcast of that nature would take the program into the homes and make the people more aware of what the rural schools are trying to do. Then, we have a few r'ythm bands in our rural areas which are, I think, capable of putting on a short broadcast program, because it comes from children of the lower primary grades. It is quite phenomenal what they put on, considering the group that is putting the program on. I think it would have the same effect as a broadcast of the other type of musical program.

Q. Do you feel that would develope greater interest in the students about participating in the school activities?—A. There is no question in my mind about that. Of course, I have been speaking of the rural schools. The town schools with their bands and orchestras and glee clubs and all that sort of thing could make a much greater use of the facilities from the standpoint of broadcasting things of an entertaining nature. I feel for the rural schools it is better for educational matters.

Q. Would all this talent be available for broadcasting purposes?—A. Yes. Yes: I have no doubt but what if it is a matter of school adminjstration or policy, rather, of school admin-
295 istration. For instance, why, the weekly program is better than the daily program. Any school administrator of the rural schools could handle a broadcast on that I think very advantageously; and, it is something the rural folks want to know about; because of our set-up, the way it is, we can't get those things across to the people. We can't have meetings enough to get it across to give the people the whole plan of school administration.

Q. Would you use it for emergency announcements also?—A. Yes. The thought came to my mind yesterday that the broadcasting facilities could be used very definitely to take care of emergency cases such as we had last winter when the homes

and the roads and the mail service, and in a good many cases the telephone service were tied up; their radios were still working, and if we had had broadcasting facilities we could have sent out the word that the schools would be closed; when the wind was thirty miles per hour and the temperatures below zero; and the children wouldn't be in danger of bodily harm and possible loss of life. We had occasions last year when we had hoped to get word to the school directors and parents not to attempt to run the schools under conditions we had last winter; but, we had nothing available, and that would be a very definite way it could be of service.

Q. Are there school contests between the schools in your county which could be advantageously broadcast?—A. I am not quite so sure about the broadcasting facilities from the standpoint of rural contests; unless it is to broadcast the results of athletic contests. We have had spelling contests—I don't know just what value the broadcast of a spelling contest is, or what interest it would be over the air, but the matter of contests in your smaller town schools and larger town schools would be of a definite value; but I am at the present time uncertain as to what would be the value of these broadcasting facilities from the standpoint of rural school contests.

Q. Have radio facilities been made available to you for the purposes which you have just explained?—A. No; none.

Q. That's all; you may cross-examine.

Cross-examination by Mr. GILLOON:

Q. Now, do you know what the mileage is from Dubuque to Maquoketa?—A. 37 miles.

296 Q. And how far is it from Maquoketa to the southerly border of Jackson County?—A. Two miles.

Q. And how far is it from Maquoketa to the western border?—A. 12 miles.

Q. And to the eastern?—A. 30.

Mr. LOVETT. Road miles or air miles?

A. Road miles.

Q. It is approximately south, isn't it, from here?—A. The main street is exactly south of the Main Street of Dubuque. The road winds, however, it isn't exactly a straight road.

Q. How far is it from Maquoketa to Iowa City?—A. From Maquoketa to Iowa City, 75 miles on the shortest route.

Q. How far is it from Maquoketa to Davenport?—A. 38 miles, I think they call it.

Q. About the same distance as it is from Dubuque?—A. A mile or two further.

Q. They have a station at Davenport, do they not; WOC?—A. They have the WOC hook-up, but it is sold out. I don't think they have the broadcasting station there. WOC and WHO are combined—not any more. We never get WOC except when it was tied up with WHO; but I wasn't aware there was a station there now distinctly WOC.

Q. How far is Maquoketa from Cedar Rapids?—A. 65 miles.

Q. Do you know where the transmitter is located of the Cedar Rapids station?—A. Do you mean the broadcasting tower?

Q. Yes.—Q. Yes; that is about northeast of Cedar Rapids.

Q. North of Marion, isn't it?—A. Possibly a little north of Marion.

Q. A little closer to Maquoketa than Cedar Rapids?—A. Yes.

Q. That is station WMT.—A. Yes; I guess that is what they call the Cedar Rapids and Waterloo combined.

Q. That reception is carried into Maquoketa all right?—A. Yes.

Q. Good reception?—A. Yes.

Q. How long has this plan of broadcasting that you suggested here with reference to fundamental principals of education and health and all been troubling you?—A. How long has the problem been troubling me?

297 Q. Yes.—A. Well, it has been troubling me for nine years; ever since I have been in the County Superintendent's office.

Q. Have you been there for nine years?—A. Yes.

Q. Have you ever taken the matter up with Miss Samuelson, the Director of the State Schools?—A. Yes; I took it up with Mr. Baker.

Q. Have you ever taken the matter up with Miss Samuelson?—A. Yes.

Q. And have you ever taken the matter up with the authorities of the State University of Iowa?—A. No.

Q. Have you ever sought radio time?—A. No.

Q. On any station?—A. No.

Q. For the purpose of carrying out this program of yours?—A. I wasn't aware that such facilities were available.

Q. You never sought them?—A. No.

Q. From or through any stations that reach Maquoketa?—A. No. If I may offer a word of explanation there; it may have been due to the fact I wasn't aware that the broadcast time would have been given without charge.

Q. You didn't know that time devoted to the public interest was open to the public?—A. No; I know certain parties could get the time.

Q. Well, you have never gone into it very thoroughly?—A. No.

Q. The Congress has taken care of some of those things, you know, in controlling the air.—A. I see.

Q. There is a limit on air.—A. Yes.

Q. In employing the radio to carry on some of these fundamental educational policies that, you would think, would be valuable to the parents and the children; what hour would you think you should employ on the air to get an audience of the rural population?—A. Of the rural population?

Q. Yes.—A. Well, I realize, or appreciate, however, the fact that your evenings are quite largely taken up by your "network" programs.

Q. That is, you mean as a matter of choice?—A. Yes.

Q. On the part of the listeners?—A. Yes; I don't feel, however, that is a serious set-back or hindrance to successfully putting on an educational program.

298 Q. Maybe you are getting away from the question. What hour do you think should be employed on the air in order to get the best audience among the rural listeners of Jackson County who might be interested in your schools?—A. Taking all things into consideration as I know them at the present time, I would say during the noon hour, or during some hour in the afternoon.

Q. Would you expect the farmer to be in the house in the afternoon listening to the radio?—A. No; I wouldn't; but I do know it is the housewife that determines the educational policies of the home, and determines the attitude of the home toward public-health problems.

Q. You think she would have more time in the afternoon, doing her housework and chores and where she is a mother of children of school age, comparatively young and presumably having plenty of work on her hands?—A. Yes, I think the average housewife as you find them today can generally devote an hour or two in the afternoon that she can devote to leisure, in the average farm home today in this particular area, here, you understand.

Q. Do you think it compares well with the hour between six and eight when the children would be home from school and the father and mother would be home?—A. I qualified my statement. I said "in so far as I am aware" of conditions. You have your other programs of a popular nature on from six to eight.

Q. You think they would crowd out——A. The children?

Q. —the program you suggest?—A. Yes; and it is their program you listen to very often, rather than the one of an educational nature.

Q. If the facilities of WMT were made available, or the facilities of WHO, they would serve your purposes, would they not?—A. Well, the difference would be of a geographical nature there; of the hook-up, and we feel here that Dubuque is our next door neighbor, and we could—I know the station would be more readily accessible than if we had to go to Des Moines, or if they had to hook up with Des Moines for whatever broadcasting we wanted to do.

Q. Who would have to hook up with Des Moines?—A. WOC or whatever hook-up they would have to do with Des Moines.

299 Q. Well, I beg your pardon, I am confused on those two too; I thought they were together.—A. You had in mind the Davenport station?

Q. Yes.—A. Well, Jackson County is farther from Davenport by a great deal than it is from Dubuque. The north line of Jackson County is only about ten miles from Dubuque.

Q. Now then, you are aware that we have a station in East Dubuque with a studio in Dubuque, WKBB?—A. Uh-huh.

Q. Serving that territory?—A. I was made aware of that just last week. I didn't know it until then.

Q. You didn't know there was a WKBB here?—A. No.

Q. And you never sought their facilities?—A. Well, we aren't successful in getting their programs.

Q. Well, but you didn't know there was one.—A. No; but we work the dial over a pretty good range.

Q. No; but you didn't know there was one.—A. No. I was talking to a friend of mine last week and he was telling me how difficult it was to get the East Dubuque station.

Q. No; I move that be stricken out as hearsay. Just what you know yourself.—A. All right.

Q. If the facilities of WKBB were available to you in the same manner as this the facilities of this proposed station, were offered to you, would you avail yourself of them?—A. Yes; I would like to just lay a little stress on that, Frank. In the same manner——

Q. Yes.—A. That we in Iowa would have the same privileges and facilities as we would if it were in Dubuque.

Q. Yes.—A. Yes; we certainly would.

Q. Yes; WKBB?—A. Yes.

Mr. Lovett. And also equivalent coverage; you include that in your qualification?

A. Yes; surely. I repeated "in the same manner"; that would include all those angles of the broadcasting facilities.

Q. What is your understanding of the radius that this proposed station will accommodate, and that it will give good reception in, in Dubuque?—A. It is my understanding it will take care of the six adjoining counties.

Q. And what radius would that be in miles?—A. I can't say definitely.

300 Q. And what six adjoining counties do you refer to?—A. I refer to Jackson, Dubuque, Delaware, Clinton, in Iowa—what is that, four?—And the two to the east in Illinois; I don't know what they are; my geography is limited.

Q. It is in the record that it is 66 miles to the farthest point of Joe Daviess County from Dubuque. Is it your understanding that the reception will be clear that far from Dubuque?

Mr. LOVETT. We object to that as having nothing to do with the testimony of this witness. He has testified he was interested in the station covering Jackson County?—A. Am I to answer the question?

Q. I am asking you for your understanding.—A. I am not familiar with the—I might say the geography of Illinois.

Q. No, no. I am asking you in mileage.—A. I wouldn't know anything about the mileage of that. I wouldn't know what way to go to get there.

Q. No; I am asking you about the mileage in any direction.—A. No; the mileage hasn't been set up to me. It is more of a professional interest of mine, in view of an opportunity to get that service for Jackson County; and my interest hasn't gone outside of the county.

Q. And the southwest corner of Jackson County would be more than twelve miles from Maquoketa?—A. No.

Q. Yes; well Maquoketa and Monmouth, which are on an east and west line, are practically on the south line, and when you compare distances between Davenport and Dubuque——

Q. I am not talking about Davenport. I said the south corner would be more than twelve miles from Maquoketa?—A. What I was saying was in explanation of my statement that it wouldn't be very much over twelve miles. From the heart of Maquoketa, yes; but from the city limits it is twelve and a half.

Q. It would be 49 miles?—A. Monmouth, do you mean, the west end of the County?—Yes; if you went to Maquoketa and then west, it would be approximately 48 or 49 miles.

Mr. LOVETT. How far straight from Dubuque?

A. Well, if you can tell me how far it is from here to Bernard. I can give you a pretty good idea.

301 Q. Air line?—A. This isn't a road map, is it? [looking at a map.]

Mr. LOVETT. No.

A. Did you want the road distance on that, or direct?

Q. Air line.—A. Air line?

Q. Yes.—A. Well, I would say that the air line to the southwest line of Jackson County would not be forty miles.

Q. You haven't figured it out?—A. Well, I will back the statement, if you want to figure it out. I know how many turns there are in this road from here to Maquoketa, and that is only 36 miles.

Q. To the southeast corner of the county from Dubuque, is it a greater distance, or a lesser distance than to the southwest corner?—A. Greater. Slightly greater, yes.

Q. To your knowledge are educational programs broadcast over WSUI, the State University at Iowa City Station?—A. Yes, they are.

Q. And you get that reception in Maquoketa?—A. Yes, fair.

Q. And vicinity?—A. Fairly good; yes.

Q. How many miles is it?—A. 75 miles.

Q. Do you get educational programs from WOI at Ames, in that vicinity?—A. Yes.

Q. Of Maquoketa and Jackson County?—A. Yes.

Q. With the exception of the material that might be broadcast on these proposed programs that you suggest, the radio reception at Maquoketa and in Jackson County, is good from numerous Chicago stations and the Des Moines station and the Ames station and the Iowa City Station and WMT?—A. Yes. Yes, I would say they are.

Q. You have no difficulty in getting general radio service?—A. No, generally not. Iowa City is difficult to get, because—I don't know why. I guess their wave length is too close on the dial to another station. You can't segregate it very often. It isn't always the case. That may be the wrong term in there, I don't know—"segregation."

Q. Well, I think that is all.

Mr. LOVETT. All right, Mr. Martin.

CHARLES F. MARTIN,
Witness.

302 MARY A. MEYER, called as a witness on the part of the Applicant, after having been first duly sworn by me as Notary, testified as follows:

Direct examination by Mr. LOVETT:

Q. Give your name and your address and your occupation?—A. Mary A. Meyer, County Superintendent of Schools; Elkader, Iowa.

Q. Miss Meyer, are you generally familiar with the plan of the Telegraph Herald to establish a radio station to serve this area, including all or the majority of your county, especially its plan in connection with educational matters?—A. Why, I understand it as you explained it to me.

Q. Can you state of your own knowledge whether or not the Telegraph Herald has been in the habit of recognizing the problems presented to the school system in your county and has cooperated with you so far as its news columns are concerned?—A. Why yes; they have so far as I know of.

Q. They have always done everything that you suggested?—A. I haven't suggested very many things to them, but they have always had some articles of education in their paper that I remember some of the pupils and teachers calling my attention to it when I come to their schools. Of course, I never thought of being asked this question before.

Q. Your experience has always been that they have taken an interest?—A. They have in the paper.

Q. In educational matters?—A. In educational matters. I don't recall now just what the items were, but I know they called my attention to two different things that they got out of the Dubuque Telegraph Herald.

Q. Are you familiar with the Iowa History Series that is used in the schools?—A. Yes.

Q. And that appears regularly in the paper?—A. Yes, and that appeared in the Des Moines Register also.

Q. And in the Telegraph Herald?—A. Yes, I recall it.

Q. It has been suggested that for the six counties which the proposed station is intended to serve in whole or part, that one day be allotted each week for the purpose of these counties
303 for weekly broadcasts to further their educational work.

Now if that should become a fact, would you be interested in, and desirous of cooperating in such a program?—A. Yes; I would.

Q. You feel that would be helpful in your work?—A. Yes; helpful in more ways than one.

Q. Can you illustrate in what way that might be used?—A. Well, as you mentioned in there a moment ago, of children attending school at the ages of four or five.

Q. Do you have that problem?—A. Yes; we do.

Q. Do you feel that the use of a regular program would be beneficial in influencing the parents in withholding the students until the school was ready for them?—A. Yes; if they can have someone besides the County Superintendents and teachers telling them to keep their children home until they are older than five.

I know I have had people talk on this subject and it has helped me at times.

Q. Now would there be special occasions when you would care to make use of these facilities?—A. Yes.

Q. Would you care to illustrate?—A. Well, if we had cold weather such as we had last winter, if we could broadcast and tell them to keep their children home or keep them there until the parents came after them in the evening, we could do that. Of course, that wouldn't be on the regular program, but if we could make those announcements at any time.

Q. And would you be interested, or would you consider it beneficial to broadcast graduation exercises or special exercises?—A. Yes; special exercises or any county programs the county might be interested in, such as—I can't think as fast as you want me to today—this is something I wasn't looking for. Declamatory contests and debates. We have a great deal of that in our county.

Q. Do you have musical organizations?—A. Yes; musical organizations. We have that, and we have glee clubs, and we have the—oh, different—we have the glee clubs and we have the band work and the solos might be used, and different reading could be used.

Q. Do you think that would increase student interest?—A. Well, I think it would for some of them. I don't know of any——

304 Q. I believe you have covered the ground pretty well. You may cross-examine, Mr. Gilloon. First, let me ask one more question. Have any radio facilities ever been offered to you in the past for the purposes that you have just been mentioning?—A. No; they haven't.

Q. That is all. Cross-examine.

Cross-examination by Mr. GILLOON:

Q. When were you first interviewed with reference to this application for a radio station by the Telegraph Herald, Miss Meyer?—A. Well, I don't recall the date.

Q. How long ago, approximately.—A. Perhaps two weeks ago.

Q. Prior to that time had it occurred to you, or had the value of radio service occurred to you at any time?—A. No; it hasn't.

Q. And you had given it no thought?—A. No thought.

Q. Up to the time you were approached on it by a representative of the Telegraph Herald with reference to your testifying on this hearing?—A. Yes.

Q. That is correct, isn't it?—A. Yes.

Q. And you never sought the privileges of any radio station which carries into Elkader and vicinity?—A. No; I didn't.

Q. Is there a radio station at Decorah?—A. I don't know. I never—I don't think there is.

Q. Do you know how many miles it is between Elkader and Decorah?—A. It is about 70 miles.

Q. How many miles is it from Dubuque to Elkader?—A. 60 miles.

Q. Sixty?

Mr. LOVETT. By road or air?

A. By road.

Q. Where is Elkader located with reference to the central point in Clayton County?—A. Well, it is just about in the center of the county.

Q. About in the center?—A. Yes.

Q. Approximately how many miles is it from Elkader to the western border of Clayton County, if you know?—A. From Elkader?

305 Q. From Elkader to the western—— A. About 20 miles.

Q. And from Elkader to the northerly line?—A. Yes, just about.

Q. What is the largest town in Clayton County west of Elkader?—A. That would be McGregor.

Q. West? That would be east, would it not?—A. That is east; yes. Strawberry Point is west.

Q. How many miles is it from Strawberry Point to Elkader?—A. 17.

Q. Seventeen?—A. 17 miles, yes.

Q. Is Strawberry Point—I mean the boundaries of the municipality, is that a school district of itself?—A. Yes.

Q. Do they have a superintendent?—A. Yes.

Q. How many days were the rural schools closed last winter on account of the severe weather or road conditions?—A. Well, I don't know. Some of them were closed for two weeks; just closed for two weeks, and others were closed from four to five days.

Q. Was that closing directed, or authorized by yourself as County Superintendent, or by the local boards of directors?—A. By the local boards of directors.

Q. Now, in availing yourself of the facilities of this proposed station to be located at Dubuque, in advising the parents respecting the advisability of keeping their children home, or keeping them in the school when weather conditions are bad so they could arrive for them; that would depend on the reception that was available in that community from this station, would it not? It would have to be clear?—A. Yes.

Q. Dependable reception?—A. Yes.

Q. And likewise, the fathers and mothers would have to have their radios tuned in at that particular point on the dial for you to depend upon it, wouldn't it?—A. Yes, that is quite true.

Q. And it really would not be dependable in your judgment?

Mr. LOVETT. I object to that question as it is based upon an unwarranted assumption.

A. Well, I don't know what answer I could make on that. I know that when nearly everybody turns in at a regular time, at seven and seven-thirty in the morning, that I know of, and of course, this would have to be broadcast at a certain time. I wouldn't know; I couldn't say as to that.

3306 Q. That is it. I mean the dependability of it for the purpose that you would want to employ it.—A. I know that, yes; that whether every parent would get in on it; I couldn't say as to that. I know everybody is there when it is time for the news to be broadcast; I know that.

Q. Now, you said the educational program you proposed with reference to discouraging children, or the parents of children of four or five years of age, from sending them to school; that is a matter that addresses itself to the Legislature, does it not, principally?—A. Well, yes; and no.

Q. Well, you have no way of keeping them out of the schools if they wish to send them to school?—A. They are open to them at the age of five; but they want to send them at four, a good many of them.

Q. Well, the teachers can refuse to receive them; and keep them out?—A. Yes, that is true; but we have a lot of trouble keeping them out when they send them. They won't go by what the teacher says.

Q. Have you given any thought to the most convenient hour, or rather the hour that might expect the greatest number of listeners?—A. Well, it would be in the——

Q. On the radios located in the rural districts? What hour of the day?—A. Well, it might be in the afternoon.

Q. How late in the afternoon?—A. Perhaps three o'clock or 3:30.

Q. You wouldn't expect the school children to partake in these programs?—A. They wouldn't be home.

Q. No, and you wouldn't expect them, and the programs wouldn't be directed to them, that you have in mind?—A. Well, yes; I would. It would be nice if the children after they get home from school, could hear them, and that would be after five. 4:30 and after five o'clock in the afternoon.

Q. Yes, and these children in rural homes; do you know whether or not they usually have chores to do that occupies their time?—A. Yes.

Q. That is usually true, is it not, after they arrive home from school?—A. Yes, that is the time the parents would probably be choring; after five o'clock.

Q. Yes, and the children old enough and big enough, would be helping them; is that true?—A. Yes.

307 Q. And that being true, would you move the hour of listening on toward the supper hour?—A. Well, I don't know; I haven't given that very much thought, but I think it would be a good idea to have it right at the supper hour; six or six-thirty, if you would want the children to get in on this program.

Q. Yes. Have you been informed as to the hour or hours that have been applied for in the operation of this station?—A. Well, I have; yes.

Q. What hours were you told that this station would operate between and during?—A. From six in the morning until eight in the evening; six or five-thirty; I don't recall.

Q. Six in the morning?—A. Until eight in the evening.

Mr. Lovett. Five in the evening.

A. Five?

Q. Well, now, which was it? Was it five or eight?—A. Five.

Q. So that the service over this station now as you understand it, would not be available at six and six-thirty?—A. Yes.

Q. So that would then, in your opinion, detract some from the full benefits of the program that you propose?—A. Why, I don't know if the parents would hear it.

Q. The children would not?—A. The children wouldn't hear it; no, but the parents would.

Q. Would you expect the farmer himself to be at the house himself in the afternoon listening?—A. I would if they were broadcasting that kind of a program.

Q. You think he could let his farm work go and go in and listen?—A. Yes.

Q. Do any educational programs come in over any stations that reach Elkader and vicinity now, that you know of?—A. Yes. Not during the summer I haven't heard many, but I do during the winter.

Q. You do during the winter?—A. Yes.

Q. And from what stations?—A. Ames and Iowa City, and then there is one from Washington, D. C., came in in the winter; I don't recall just what days. It came in at 7:15 for part of the year and then it was changed to nine or 8:30. I don't recall the hour, but I know we had it.

Q. And the reception of those programs on the radio that you listened to was good, was it?—A. Yes; it was. They were all good.

308 Q. Does WMT, the station at Waterloo, cover your territory?—A. Yes.

Q. Does WHO, at Des Moines?—A. Yes.

Q. And numerous Chicago stations?—A. Yes.

Q. And the community is well served with radios?—A. Yes; so far as I know; nearly everybody out that way has a radio.

Q. Now, in using the facilities of any radio station, either the Telegraph Herald or any other station, in broadcasting these proposed programs that you have mentioned, you would expect and contemplate that there would be clear reception at the other end; that is, that the radio would have strength enough and power enough to reach the listeners throughout Clayton County?—A. Yes.

Q. And if the power was not sufficient to give clear and adequate reception, then, of course, it would not be of value?—A. Well, I don't know. I don't understand what your mean by that.

Q. Well, do you know, Miss Meyer, anything in regard to radios and how they are set up and allotted a certain number of watts as power?—A. Do you mean if it wouldn't come in clear enough so we could understand what was being said?

Q. Yes. Then that would alter your testimony, would it not?—A. Well, I think it should.

Q. Yes?—A. I think it should.

Q. Were you advised what power this station was asking for? A. Well, I don't recall whether I was or not; I am not sure.

Q. You don't know now?—A. No, sir; I don't. I talked to Mr. Arndt when he was in the office one day and I was busy and I didn't listen to what he said, and I got busier after he was gone, and paid no more attention to it.

Q. If that point were mentioned or talked about, it didn't register, or you didn't retain it in your mind?—A. Why, it registered, but I didn't retain it; but I know he did say it would be strong enough so that we could understand or get what was being broadcast over the radio.

Q. That is all.

309 Redirect examination by Mr. LOVETT:

Q. Miss Meyer, in speaking of the weekly broadcasts in which you would be interested, to give as an illustration the talks of the desirability of keeping the children home around four or five years old; would or would not those talks be directed to the mothers?—A. Yes; they would.

Q. Well, the mothers would be in a position to hear such talks and the other talks directed to the educational policy of the home, in the afternoon before the children came home from school just as well as later, would they not?—A. Yes.

Q. So that after all, it wouldn't be essential to have the broadcast as late as 6:30 in the afternoon?—A. No; it wouldn't.

Q. Three-thirty would be adequate, as you stated initially?—A. Yes; indeed.

Q. Well, that will be all.

MARY A. MEYER,
Witness.

Mr. DALE D. WELCH, called as a witness on the part of the Applicant, after having been first duly sworn by me as Notary, testified as follows:

Direct examination by Mr. LOVETT:

Q. State your name, address, and occupation, Mr. Welch?—A. I am Dale D. Welch, President of the University of Dubuque at Dubuque, Iowa.

Q. Mr. Welch, will you state generally just what is the University of Dubuque?—A. The University of Dubuque is a Liberal Arts College and a Theological Seminary.

Q. From where does it draw its enrollment?—A. About forty percent of its enrollment is from the city of Dubuque; about thirty percent from territory within forty or fifty miles of Dubuque, and about thirty percent from the nation at large.

Q. Mr. Welch, are you generally familiar with the plans of the Telegraph Herald to establish a radio station in Du-
310 buque to serve this area and nearby counties?—A. I am in a general way, Sir.

Q. Will you state, if you can, of your own knowledge, what the attitude of the Telegraph Herald has been toward education and particularly toward your institution?—A. Well, I can speak only for our own institution; but the attitude of the Telegraph Herald toward us has been one of exceedingly great friendliness and cooperation. They have given us all the publicity that we care to furnish them at all times of the year; in particular in connection with our occasional financial campaigns in Dubuque they have given us publicity that if it were paid for at any sort of a rate, that would be worth a great deal of money.

Q. And all this publicity has been freely given?—A. Oh, yes.

Q. Now if the Telegraph Herald would be successful in its efforts to establish this radio station, to what, if any, extent would your school or University be desirous of making use of its facilities?—A. Well, if a private line were established to the University so that we could use the station without transporting our talent downtown, we could make quite a good deal of use of it. We could even without the line use it for certain types of program; but with a private line we could present musical

programs which wouldn't be possible without the private line. For example: We have a fine pipe organ and a very good organist, but you can't transport that program away from the institution. We have a fine choir. They can be moved, but not conveniently, a group of sixty voices. If we had a private line we could use that choir quite often for broadcasts, and we would be happy to do that.

Q. Well, would you be desirous of using these facilities regularly at given periods each week on certain days of each week?—A. Yes; we could use, I should think, at least three regular periods a week, exclusive of what might be done with our organ. That would be available more often if it was wanted, but we could use a period for a musical program once a week; a period for an educational program, and a period for—if we could have a Sunday afternoon vesper service, for a distinctly religious service.

311 Q. And what form would your series of talks attain?—A. Do you mean the educational program?

Q. Your educational program; yes.—A. Oh, I don't have any definite thing in mind there; but to illustrate: a man like Dr. Ficke, the head of our English Department, a Harvard graduate, and one of the finest English scholars in the middle west, might present an interesting and informing series of short lectures; fifteen minutes perhaps on, for example, the English poets, or the humor of Shakespeare, or Shakespeare and the law. That illustrates the type you could get from the English Department. The Philosophy Department might give a series of short talks on the life and work on a dozen of the leading philosophers, popularizing it in such a manner as to make it palatable to the general listening public. That is what I have in mind as an educational program.

Q. And you have a musical series, you say, for another period; and vesper service on Sunday?—A. Well, roughly, for the musical program we would use our choir of sixty voices. That organization is one of the best musical organizations in this section of the country and would be available quite often. We have an excellent male quartette that could be used. Solos, both vocal and instrumental. We have a good orchestra that could be used from time to time. That will represent the general tenor of our musical programs. The Sunday afternoon vesper service would be a service both musical and religious, because we have the Theological Seminary; we have on the faculty always, some very able preachers, men who go all over the middle west supplying churches, and who have a considerable following as preachers. I think the public in our territory would be very interested in a vesper service in which we would have music, using again our

choir or quartette, and organ, though that service would be mainly religious, using one of the men from the Theological Seminary.

Q. In addition to these regular broadcasts which you propose, would there be special occasions when you could use these facilities to advantage?—A. There would, occasionally. We have on the campus a number of times a year outstanding speakers at our morning chapel services, whose addresses would be of
312 interest to the general public. Once every year we have a week of programs with out-of-the-city speakers, speaking at ten o'clock in the morning; usually some outstanding churchmen who would be heard, I think, with interest by the local public. There would be other occasional events, but what they would be, it is hard to say. This year, for example, the 30th of October there is to be a rather extensive program from ten o'clock in the morning until 4:30 in the afternoon, and it happens to have to do with my formal inauguration as President of that institution. We will have outstanding churchmen who will speak, and have a continuous program from ten in the morning until 4:30 in the afternoon. That doesn't happen every year, but it is the occasional thing we have of interest.

Q. And you feel you would like to have the opportunity of broadcasting such an event?—A. Well, that sort of thing we would; yes.

Q. That is all; you may cross-examine.

Cross-examination by Mr. GILLOON:

Q. You have been living in Dubuque a good many years, Mr. Welch?—A. 20 years.

Q. Twenty years?—A. Yes.

Q. That is continuously last past?—A. Well, there is a two and a half year period in there that I lived at Epworth.

Q. Are you acquainted with station WKBB of East Dubuque, with a studio at the Hotel Julien in Dubuque?—A. Yes.

Q. You have used that station yourself in broadcasting?—A. I have.

Q. You have appeared on that station on Sunday morning services conducted by the Protestant Ministerial Association?—A. I have.

Q. From nine to nine-thirty?—A. I have.

Q. And that has been on several occasions?—A. Well, I have only been on the program once, myself.

Q. Only once?—A. Yes.

Q. Other ministers from Dubuque appear on the program; that is, one each Sunday?—A. Yes.

Q. Isn't that a fact?—A. Yes.

313 Q. Now, you have given talks over the Dubuque radio, aside from participating in the Sunday morning, or conducting the Sunday morning service?—A. One such talk personally.

Q. Yes. That had to do with and concerned the University of Dubuque?—A. It did; yes.

Q. The University of Dubuque put on a drive for funds sometime this year, did it not?—A. Yes.

Q. Was that after you had been made President, or before?—A. After.

Q. After?—A. Yes.

Q. Now state whether or not the facilities of the station WKBB were offered to you at that time to promote the interests of the campaign for funds?—A. They were.

Q. And did you avail yourself?—A. Yes. That is when I made this talk that you referred to a moment ago.

Q. Yes. Now, you know as a matter of personal knowledge, do you not, Mr. Welch, that the A. Capella Choir, and these sixty voices you speak of *of* the University of Dubuque have appeared over the station WKBB?—A. Yes; I do.

Q. And your male quartette has also appeared on the station?—A. That is right.

Q. And soloists from the University have also appeared on the station?—A. That is right.

Q. I will ask you if it is not a fact that the station WKBB has offered its facilities to the University of Dubuque and has offered to give you the use of the station through remote control from the University?—A. Yes; they have. Our problem, however, in connection with that offer was of establishing a direct line, which we couldn't afford to do, and therefore we couldn't avail ourselves of the offer.

Q. Well, that goes with the remote control, does it not? You have to get it to the transmitter?—A. Yes.

Q. Your talent that you spoke of has appeared frequently over WKBB?—A. Our musical talent; yes.

Q. Your musical talent?—A. Yes.

Q. And some of your professors who are ordained ministers, I take it that they have participated in the Sunday morning services?—A. Yes; they have.

Q. Have you ever been refused the facilities of WKBB when you requested them?—A. No.

314 Q. You feel that they are available to you for educational purposes, or whatever might fall within that; that is, first-class music, and all?—A. They are, excepting we haven't the direct line, and it isn't practical for us to send our talent downtown to broadcast.

Q. Any station that you would use then, so that this talent might be available without sending it to the station, would have to be utilized through these instruments of remote control from the University itself?—A. That is right; for us to use it consistently and extensively, we must have a direct line; and, I might say, I don't know whether it ought to be in the record or not, but this is true; but the Telegraph Herald has offered to provide that line for us, which is a great consideration for us, and makes their station really accessible to us, and they have offered to give us all the time we want after the line is installed, for musical and educational purposes.

Q. That is, the line would be left open, as you understand it, for your accommodation?—A. Yes.

Q. At such hours as you wish to avail yourself of?—A. That is right.

Q. And have you gone so far as to plan what hours you would utilize if this station were granted, with this talent?—A. Roughly; yes. We have outlined three four-o'clock hours a week; one for music and one for educational program, and another for a religious Sunday afternoon vesper service.

Q. Three hours a week?—A. Three periods a week; not full hours.

Q. Three periods a week, and what precise hour of the day?—A. Four o'clock.

Q. From four o'clock on?—A. Yes.

Q. Now, why do you fix that at four?—A. It happens to fit in with our academic schedule; a professor, for example, finishing his classes at four o'clock could go right to the radio and give his lecture.

Q. That is the end of your class period?—A. Yes. The students on the musical program can go right from their classes to the studio and give their program.

Q. Uh-huh. Have you been informed as to the hours that have been applied for by this station?—A. Yes.

Q. And what do you understand those hours to be?—A. From sunrise to sunset.

315 Q. Sunrise, or six o'clock in the morning?—A. I understand it would be sunrise.

Q. Are there other colleges in the City of Dubuque?—A. There are.

Q. I will ask you if one of those is Columbia College?—A. It is.

Q. And Clark College?—A. It is.

Q. What is the enrollment of the University of Dubuque? What was it last year?—A. 354.

Q. Do you know what the enrollment was of Columbia College last year?—A. Not accurately.

Q. Do you know approximately?—A. I shouldn't like to say that.

Q. Well, if you don't know—— A. I don't know it near enough.

Q. I thought as an educator, you would.—A. No.

Q. Do you know what the enrollment of Clark College is?—A. No; I do not.

Q. Those two colleges likewise have talent running along the lines that you have enumerated as being in your college?—A. They do; of course.

Q. Columbia College has the Vested Choir of boys?—A. That is right.

Q. And Clark College is quite recognized for its musical chorus, is it not; for girls?—A. I think so.

Q. That talent is available in the city of Dubuque from those two?—A. As to that, I couldn't say. That is a matter for their people to determine; not for me.

Q. And aside from this direct wire to the University furnishing you with the facilities of the present station, why, you understand that you may avail yourself, or the University may avail yourselves, of the facilities of the station as it exists now, by going to the station in Dubuque?—A. Well, we understand that; but there are two problems in connection with the use of WKBB that we do consider real problems, aside from the direct line, and the one is it hasn't the facilities for publicizing the broadcasts. We think that if the newspaper were to announce regularly a University hour and the nature of the program, that we would have a much larger listening public. We may go to a station and put on a program and have nobody listening to it; it hasn't done anything for the University nor the station; so in that respect it seems to us that the facilities the Telegraph Herald might offer would be advantageous in that their newspaper would cultivate a listening public. Secondly, we can reach a greater distance with the facilities the Telegraph Herald is proposing to establish. The territory territory they are going to cover is exactly what we get our clientele from.

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Q. What is that?—A. The city of Dubuque, and forty miles, except in Illinois we will reach a little more than forty miles in our territory, but in Iowa and Wisconsin we consider forty miles is about our territory.

Q. What do you understand the radius of the proposed station of the Telegraph Herald will reach out in miles?—A. I understand it will reach such towns as Guttenberg.

Q. No; I mean in miles.

Mr. LOVETT. He stated forty miles.

Q. He hold me about his radius. Did you mean by "forty miles" that that is the radius of the station, or the radius from which you draw?—A. I understand that this station will reach forty miles, and that that happens to be almost exactly the limits of our area of influence, excepting in the State of Illinois, where we reach beyond that.

Q. Now, with reference to attracting this radio audience you speak of through the medium of the Telegraph Herald. Now, do you mean that that audience will be attracted to the radio as listeners by reason of announcements that will be made over the radio when it is installed, or by reason of the publicity that will be carried in the newspaper?—A. By reason of the publicity that will be carried in the newspaper.

Q. Do you mean now, that the Telegraph Herald gives no publicity to the programs of the present station, WKBB?—A. I don't know whether they do or not.

Q. If they did, wouldn't you have the same audience listening, and if the program showed that the A Capella Choir of the University of Dubuque will appear on the program at a certain hour, would you expect to have the some listeners in the radius that will be covered by WKBB?—A. Well, I don't want to appear partisan in this matter——

317 Q. Yes, but——A. Well, obviously, I wouldn't expect the Telegraph Herald, which is an institution, to give publicity to our programs over any other station.

Q. When they are without a station?—A. Either without it or with one.

Q. They could have no good and legitimate reason for not publishing those programs if they were not operating a competitive station, could they, in your judgment, as a newspaper serving the public?—A. Well, I think they might have a good reason for not doing it.

Q. Now what would that be?

Mr. LOVETT. I object to this as entirely incompetent, irrelevant, and immaterial.

Q. Well, I want——

Mr. LOVETT. I don't care what you want; it is entirely immaterial.

Q. Now, what would they be?—A. I conceive the newspaper and the radio to be competitors.

Q. In what way?—A. In the dissemination of news and information of public concern; in the presentation of not only news, but entertainment, and to expect one competitor to advertise and underwrite the product of—one concern to advertise and underwrite the product of his competitor, is, to my mind, a bit ridiculous.

Q. Aside from the superficial competitive interest of each institution: if we set that aside, in serving the public interest, it would be best that it would publish it, would it not?

Mr. LOVETT. I object to that as entirely theoretical and immaterial and has nothing to do with the examination.

Q. When you take into consideration aiding the public in an educational radio program?—A. I think that is right.

Q. It is the offer to install a private line to the University of Dubuque by the Petitioner that tended to induce you to favor that station over WKBB?—A. No; that is just an incident in it, Mr. Gilloon. The real reason is the wider coverage of their station and the advantage of having it in connection with the newspaper which may publicize our programs. The private line is but an incident. There are three factors—the private line, the wider coverage, and the publicity which the newspaper can give to our programs.

318 Q. Did the representative of the Telegraph Herald that spoke to you on this subject to explain to you their proposed plans of operation, mention anything about the publicity that would be given to the programs through their press?—A. Well, we discussed it. I don't know whether he raised the point, or I did. I have been conscious of that as a need. We discussed it.

Q. And what was said in the discussion by the representative of the Telegraph Herald?—A. It was merely an informal conversation on it, and I couldn't repeat with any accuracy what either of us said.

Q. Was there anything said in the conversation that no publicity was given to the programs offered over Station WKBB in the Telegraph Herald?—A. Nothing said about it.

Q. Not mentioned at all?—A. No.

Q. They did advise you at that time, their representative did, that if granted this permit they would install a private wire at the University?—A. It was a sort of a general agreement. There was nothing definite about it at all.

Q. Well, you understand that they will do that?—A. I do.

Q. If this license is granted to the Telegraph Herald for which they are applying for, and they should establish a station in the city of Dubuque, would you then, and from and after that time, use the Telegraph Herald Station in preference to Station WKBB, and would you stop your present cooperation with WKBB?—A. That would have to be determined upon the contingencies of the moment. I can't answer what I would do six months from now. Too much water can go over the dam between now and then.

Q. In furnishing your choir as has been done in the past, and male quartette, and soloists, would you be willing to do that and furnish that talent to WKBB if time would be made available to them on this proposed station of the Telegraph Herald?—A. I see no reason at the moment, Mr. Gilloon, for saying that we wouldn't make our talent available to them; but again, that is a remote contingency concerning which I can't express a final judgment at this moment.

Q. Now, Mr. Welch, you spoke of WKBB and the Telegraph Herald as being competitors. Now, I will ask you if it isn't a fact that they are only competitors in the field of
319 advertising for a monetary consideration?—A. I wouldn't feel it is just there. I feel they are both disseminating news.

Q. You do not feel that they are competitors in the field of public service, do you?—A. I don't think we think of a public service rendered in terms of competition, but the thing that enables us to get public service may be competitive.

Q. The newspaper serves a public in its field, a public purpose, and the radio also furnishes a public service, does it not?—A. I think so.

Q. And in those fields they would not be considered competitive, would they?—A. No, but my point is——

Q. The newspaper and the radio?—A. My line of reasoning is, without the advertising and the income, neither one of them would be in existence to preform the public service.

Q. And, you think the Telegraph Herald, if it had both the radio and the newspaper, that it would thereby have a monopoly in this territory?—A. No, I don't think it would have a monopoly at all.

Q. That would eliminate this competition you speak of?—A. No; not at all. They would merely operate a more efficient unit than can be operated without the aid of a newspaper.

Q. By reason of their publishing their own programs in their newspaper, is that the reason?—A. And by reason of the availability to them of news service that an independent station without a newspaper may not have.

Q. Do you know what news service WKBB has?—A. Well, I think I had better say that I came down here as an educator and not as a newspaper man; and I am not going to attempt to answer outside my field.

Q. Well, do you know?—A. I do not. That is why I am not trying to answer.

Q. Do you know what service the Telegraph Herald has?—A. Not in a definite way; no.

Q. I think that is all.

Re-direct examination by Mr. LOVETT:

Q. Mr. Welch, how frequently did your musical and religious talent use the facilities of the East Dubuque
320 Station last school year?—A. Well, I am not sure as to that. My work at the University actually began only on April 1st, and it wasn't with any regularity. I suppose that our talent appeared on the station during the last semester of the school year maybe a dozen times. That is a guess, but I think that is about right.

Mr. GILLOON. I move that the answer be stricken out for the reason the witness states it is only a guess.

Q. With no regularity?—A. No, with no regularity.

Q. Do you know why?—A. No, I do not.

Q. That is all.

Re-cross examination by Mr. GILLOON:

Q. Prior to April, at the time you were appointed President, were you directly associated with the University regularly on the teaching staff?—A. Not recently.

Q. I am speaking of before April; last semester. That part of the last semester prior to April?—A. No, I am not on the teaching staff now.

Q. Well, you are President now. I appreciate that; but prior to that time were you devoting your time to the University?—A. No, I wasn't. I was President of the Board of Directors and as closely in touch with it as I am now.

Q. Attending meetings of the board of directors?—A. And the Executive Committee.

Q. I think that is all.

DALE D. WELCH,
Witness.

Mr. FRANK R. KERRIGAN, called as a witness on the part of the Applicant, after having been first duly sworn by me, as Notary, testified as follows:

Direct examination by Mr. LOVETT:

Q. Give your name, your address, and occupation.—A. Frank R. Kerrigan, County Agricultural Agent, Dubuque, Iowa.

Q. Mr. Kerrigan, are you generally familiar with the plans of the Telegraph Herald to establish a radio station to serve Dubuque and nearby counties?—A. Yes.

321 Q. Will you state, if you can, what the attitude of the Telegraph Herald has been toward Agriculture in this area; whether or not is has participated in any way in assisting the dissemination or writing of agricultural news and so forth?—A. Well, they have been very helpful through their news columns,

and carry on any agricultural activities that I have been interested in; yes.

Q. They have always cooperated with you to the fullest extent, have they?—A. Yes.

Q. It has been suggested that over this proposed station of the Telegraph Herald that one day each week be allotted to the six counties, including Dubuque County, of course, which will be served by the proposed station, and if the station becomes an actuality would you be interested and desirous of cooperating in such a plan?—A. Yes; I would cooperate.

Q. In what way do you believe that would be helpful to you in your work?—A. Of course, you see, we are an educational institution, partly at least, and we are interested in getting the correct information out in any way that we can, and through as many different channels as we can; and we would be happy to continue with the Telegraph Herald in furthering our programs through their channels.

Q. You may state whether or not the Four-H Club activities come under the jurisdiction, or are you connected in any way, with your department?—A. Yes; I have charge of the Four-H Club work in this particular county.

Q. Would you plan to use these facilities in connection with the Four-H Club?—A. Yes; from time to time we would use them. Members of the Club are—some of the committee members who have charge of the work. Yes; we would.

Q. To supplement your own programs and also broadcast programs of their own, is that true?—A. Yes.

Q. To what, if any, extent would you use the facilities in connection with emergency or special announcements?—A. Well, we would be glad to do that. Yes, indeed; I would be glad of the opportunity.

Q. There would be times that it would be quite essential that you reach the farmers in this area immediately.—A. Well, of course, I am only interested in the farmers in my own territory; that is, specifically in Dubuque County.

322 Q. But you would be interested in using these facilities—for having them available at all times for weekly broadcast?—A. Yes.

Q. That is all.

Cross-examination by Mr. GILLOON:

Q. Has not the facilities of WKBB been made available to you?—A. Yes, sir.

Q. In fact, you use the facilities of WKBB in making a talk on the subject of agriculture once each week on Monday?—A. Yes, sir.

Q. And you have done that for some time Mr. Kerrigan?—A. Yes.

Q. Through WKBB?—A. Yes.

Q. And have you ever requested the facilities of WKBB in your farm work when they were refused to you?—A. No.

Q. Could you not use the facilities of WKBB in reference to the Four-H Club and broadcasting their programs having to do with the farmers you might over this station of the Telegraph Herald?—A. I believe that I could; yes.

Q. You say that the attitude of the Telegraph Herald has been good with reference to giving publicity to matters pertaining to agriculture?—A. Yes.

Q. I will ask you what has been the attitude of Station WKBB with reference to matters pertaining to agriculture?—A. As far as I am concerned, very good.

Q. Yes. I will ask you if you know it to be a fact that they carry an agricultural program from 11:45 to twelve o'clock each day of the week?—A. Yes, sir.

Q. They do, do they not?—A. Yes, sir.

Q. And with reference to emergency matters, whatever that might include, whether the grasshopper plague or hog cholera or anything else, if that emergency should arise, do you have any reason to feel that if you sought the facilities of WKBB that they would be denied you?—A. I don't think they would.

Q. They never have been denied you in any of those matters?—A. No.

Q. And in serving your constituency in Dubuque County, why, Station WKBB answers that purpose on the air?—A. Our people can hear it; yes.

323 Q. I think that's all.

Mr. LOVETT. That is all.

FRANK R. KERRIGAN,
Witness.

Notary Public. 5:40 o'clock P. M. We will adjourn until 9:00 o'clock in the morning.

9:00 o'clock A. M., August 22nd, 1936.

Monsignor J. M. WOLFE, called as a witness on the part of the Applicant, after having been first duly sworn by me as Notary, testified as follows:

Direct examination by Mr. LOVETT:

Q. Your name and address, and occupation or position.—A. My name, Monsignor J. M. Wolfe; my address is 11th and Bluff Street, Dubuque, Iowa. I am Superintendent of the Archdiocese.

schools of the Archdiocese of Dubuque, and Director of Catholic Action in the Archdiocese of Dubuque.

Q. Monsignor, will you state briefly the extent of the school system over which you have jurisdiction, and particularly the extent of it within a radius of forty or fifty miles of Dubuque?—A. Within the Archdiocese of Dubuque, comprising all the northeastern territory of Iowa, running north and south about 200 miles and east and west 200 miles.

Q. Can you say approximately the number of schools within a radius of forty or fifty miles of Dubuque; just roughly?—A. I would say about twenty-five secondary or high schools, and fifty elementary schools.

Q. Monsignor, are you familiar in a general way with the plans of the Telegraph Herald to establish a radio station in Dubuque to serve this general area?—A. I am quite familiar, because I have discussed the matter with representatives of the Telegraph Herald on the project they are proposing with the Federal Radio Commission of a license for a station in Dubuque.

Q. Will you state the attitude of the Telegraph Herald in the past and now toward your activities and particularly as manifested in an educational way?—A. I have always
324 found the Telegraph Herald most cooperative in giving publicity to any projects that I have promoted, either public or in a semiprivate way respecting the religious, educational, and cultural advancement of the people.

Q. If the Telegraph Herald be successful in its efforts to establish a station as proposed, to what extent would you utilize the facilities of that station, and in what way?—A. Well, I would cooperate in every way possible with the program director who would be immediately in charge of the programs, to be given over the Telegraph Herald station. This cooperation would extend itself to all of the programs which I could help him devise as coming from the schools, and any cultural or recreational activities which we might sponsor.

Q. These activities would be helpful to you in the furtherance of your educational work?—A. I think it has a two-way circuit. It helps those who are promoting a program of that kind, the participants, and it helps the listeners far and near. There are contributions coming from both sides.

Q. Would you be interested in cooperating in broadcasting a program regularly over this station, as well as on special occasions?—A. I would help the program director devise for stated occasions particular programs, and the schools that would be able to participate in programs of a cultural, educational, and religious nature.

Q. Will you state for the record the various departments in the school system which might be—which in particular, might have talent for broadcasting purposes generally?—A. Do you want me to speak for the colleges in an indirect way?

Q. Yes, if you will, please.—A. Well, we have two colleges and the twenty-five secondary or high schools I have mentioned; these institutions have musical and literary organizations which would find it to their advantage to participate in activities of that kind, and prepare programs fairly regularly.

Q. Are there any musical organizations or choirs such as choirs of particular note?—A. There are glee clubs, of course, in practically all of the high schools; and in our colleges we have exceptionally fine choirs, particularly the Boys' Vested Choir, at Columbia College, which has a national reputation; with a director who is competent in every way.

325 Q. You feel that all these organizations would be available from time to time for broadcasting purposes?—A. I believe they would.

Q. Are you prepared to speak for the musical department of Clark College?—A. I am not authorized to speak for them; but from experiences of the past I have always found them most anxious to participate in activities of that kind to advance the culture for which the institution has been established, and the education of all those who might be helped by any of their programs.

Q. Will you also be interested in using the facilities for programs of a religious nature of any special character?—A. Whenever anything of note, state-wide or of national importance is being enacted in our churches. In the past I have always made an effort to secure the radio facilities of Dubuque, Davenport, and Waterloo; and in the future; quite naturally efforts would be made to get the best type of broadcast over a local station.

Q. One which would most effectively serve the area of which we are speaking?—A. Yes.

Q. All right; that will be all. Cross examine.

Cross-examination by Mr. GILLOON:

Q. Monsignor, when were you advised with reference to the details of the plan to construct and establish the local station applied for by the Telegraph Herald?—A. Some three weeks ago, by Mr. Mark Kane representing, as far as I knew, the Telegraph Herald; and some five days ago by Mr. Kane and another representative of the Telegraph Herald, Mr. Arndt.

Q. And in those conversations what is your understanding with reference to the radius in miles out of Dubuque that reception will be good?—A. The information I gathered from the men who

spoke to me about the establishment of the station was that they would cover well a radius of fifty miles.

Q. Did they advise you with reference to limitation of hours applied for? That is, the time that the station will broadcast?—

A. Some days ago in discussing that matter the project of
326 evening programs came up, and then I was told that the station would broadcast only until sunset time at first, hoping that in due course of time their license would be extended to the night hours also; the usual eighteen hour broadcast extension.

Q. But you fully understand that the present license is only for the so-called daylight hours?—A. I do.

Q. And you also understand that the daylight hours as known to radio consist either from sunrise, or I believe six o'clock in the morning, whichever it may be, until sunset?—A. I do.

Q. As sunset in the particular area covers?—A. I do.

Q. And you also understand that the sunset time for in this territory in January, November, and December ranges from 4:30 to five o'clock?—A. I do.

Q. Now Monsignor, in your office as Superintendent of schools of the Archdiocese of Dubuque, and Director of Catholic Action, have you been afforded the facilities of the local station, WKBB?—In as far as they were able to give us service. They left me with the impression with the second last—that was last year, about this time when we had a large convention here, when I attempted to get broadcasting, that they were very much a commercial station; at the time they weren't looking so much for cultural programs as for the commercial type of broadcasting program.

Q. Who did you talk with?—A. Mr. Price, I think, or Mr. Martin; the one I think who was at the local station at the time, and Walter Klauer.

Q. Where was this convention being held?—A. In Dubuque.

Q. At what——A. At Columbia and Clark College.

Q. Your request was to broadcast it from the floor of the convention halls?—A. Well, from the conference halls and also from our local Cathedral, because we had quite a great deal of splendor down there at a couple of our religious programs.

Q. What would have called for the extension of a wire from the studio to the halls?—A. Yes, sir; for which I was willing to stand the expense of the wire.

Q. You have talked over the station yourself?—A. Yes.

Q. From the studio?—A. Yes; several times.

327 Q. Were the facilities of the station employed in connection with Lenten services conducted on Good Friday

last year by the Catholic Church?—A. Well, there was; at a late hour the evening before I think the director of the station or the owner, Mr. Klaner, thought that a religious program would be very wonderful on Friday afternoon; the United Protestant Choir had already been arranged for, and they asked me in the afternoon to speak during the three hours, and their importunities were so extensive that I went down and did the best I could, but it was prepared specifically for this choir; that is, prepared specifically for that occasion.

Q. It was not the Catholic Church alone?—A. No.

Q. You cooperated with the other churches?—A. Yes.

Q. Now, Monsignor, this national convention that you referred to that was held last year, was that the 9th National Convention of the Catholic Students Mission Crusade?—A. It was.

Q. Was that held in Dubuque between the dates inclusive, of August 6th to 9th?—A. It was.

Q. Now, Monsignor, I will ask you for the purpose of refreshing your recollection if the program, the part of the program that was held at eight P. M., opening with meeting on the porch of Loras Hall, Columbia College, at eight P. M., if that was not broadcast including an orchestra prelude to the Sign of The Cross, Edward W. Schroeder Jr., Columbia College Orchestra, under the direction of Edward Schroeder, with a wire——A. It was.

Q.—extended, and you in your official capacity provided the wire, and the facilities of the station were extended to you without charge other than the wire?—A. Yes; that was from—I suppose I shouldn't say this because I would have to make it definite; because I would have to look up the records; it was from eight to nine, I believe. I believe they closed the station at nine o'clock, and we extended our program to half-past ten. That was one of our difficulties at the time, getting the better part of the program at the beginning, or hurrying it on so we could start at eight o'clock when I had the concessions of the radio station.

Q. That was Station WKBB?—A. Yes.

328 Q. And I will ask you if the facilities of that station were not employed on the following day, August 7th, in connection with the same convention, with a wire provided in the same way to St. Raphael's Cathedral for the celebration of the Pontifical Mass?—A. I don't believe it was.

Q. For the purpose of refreshing your recollection, may I ask you to look at this program?—A. That is a copy of the program at the time, but this program was drafted when our arrangements were tentative. They were going to give me those facilities, but they didn't. There was a commercial program, I think,

at that time; I asked them to postpone or advance this particular hour, so as my recollection goes, we wern't connected up. We had outdoor loudspeakers.

Q. This was at the Cathedral that I am inquiring about.—A. We had it outside at the Cathedral, but if I recall right, I didn't get the facilities of broadcasting from the station, but it was in the program.

Q. In order that we have the record straight, Monsignor, will you—have you any way of checking that after you leave the witness stand and go back to your office?—A. I suppose I would. I suppose I would.

Q. May I phone you on it?—A. Yes.

Q. Will you be at the office until noon?—A. Well, I would want to see Father Peters; he is the agent that usually executed those things for me. He is the one that rigged up the outdoor loudspeakers and had charge of that and he would have known at the last minute if they got in there on me. You see, I was terribly busy, but my recollection is that I couldn't get the connection from the radio station on account of the commercial project that they had on at the time.

Q. Monsignor, I will ask you too, if you didn't also have a wire extended to Loras Hall over which, connected with Station WKBB, at this same convention over which broadcasts——A. Thursday?

Q. —of various musical features of the program on August 8th between the hours of eight and nine P. M.?—A. Yes.

Q. I will show you——A. Yes, yes. I had the evening programs from eight to nine. I have a clear recollection on
329 that, because I went in and phoned people around town to see if it was coming in all right on the radio in addition to the loudspeakers we had.

Q. So that you would now modify your previous testimony to the extent that when this convention was in Dubuque between August 6th and August 9th, 1935, that you did have at least the hook-up for two broadcasts over the local station?—A. What do you mean? Those evenings; Tuesday, Wednesday, and Thursday.

Q. Yes.—A. Three evenings; yes, surely.

Q. I gathered from your previous testimony that you had no hook-up with the convention.—A. No; I believe I had. I would have to look up the records, eight other broadcasts by men of national repute whom I had written, and I did go down to the station in the daytime and announce that such and such a speaker was going to appear and speak on such and such a subject. I had difficulty arranging those programs, but I got the facilities

because I wanted to give that to the public, because I wanted to make it a success; fifteen minutes.

Q. Speaking time?—A. Yes.

Q. For each speaker?—A. Yes.

Q. And they were—those speakers were dealing with a subject of an educational nature?—A. Yes.

Q. Now that was all without charge?—A. Yes.

Q. Excepting the cost of the wire on two or three hook-ups where you had remote control?—A. Well, I suppose I shouldn't say this, so I will keep out of the record, but they sent me a bill beyond the agreements we had made. I kept a record of the agreements we had made and there was something like seventy-five or eighty dollars over what we had agreed, but I returned the bill with the check for what we had agreed, and let the other services out.

Q. That is all you paid, was what you had agreed to pay?—A. Yes; the bill didn't come back, so I took it they had made a mistake, because they made no effort to collect.

Q. In your office as Superintendent of the Archdiocese of the schools of the Archdiocese of Dubuque, you have supervision over the high schools in the territory included and the elementary schools?—A. Yes.

Q. You do not have direct supervision over Columbia College?—A. No.

330 Q. And you have no direct supervision over Clark College?—A. No. We cooperate in things of that kind, but I get the action through the Superiors.

Q. And in Columbia College and Clark College you could do no more than use your good offices?—A. No.

Q. Now, the glee clubs that are in these high schools; do you think they would be willing to provide transportation for themselves to come to the local studio for the purpose of broadcasting during the day hours; the school hours?—A. They usually are. Unsually the parents of the children are well minded people giving the services of their cars to these schools. This is true of musical conferences, conventions and demonstrations, as well as athletic events.

Q. The Vested Choir of Columbia College has been afforded the facilities of the local Station WKBB to your knowledge, have they not?—A. I think so; yes, sir.

Q. Was there a hook-up Monsignor, with the local station in broadcasting the services that were conducted on the last Sunday morning of Music Week, from the Gymnasium two years ago when it was held?—A. I wouldn't recall. I have always tried to get a hook-up and always had them, whether it was the local

station or Davenport and Waterloo station. We used these also. Now whether the local station broadcasted, I rather think they did broadcast the last music week.

Q. Do you recall in the fall, immediately preceding the election in 1934, the appearance of the late Senator Murphy, Governor Herring, and Lieutenant Governor Krashel at a rally that was held in the College Gymnasium; that there was a local hook-up at that time?—A. I believe there was.

Q. And when I say "a local hook-up," I mean by the local Station, WKBB.—A. Yes, there was. We have also used the facilities of the local station for our athletic events; basketball, tournaments, the games themselves were not broadcast play by play, but they took the scores from our publicity director at our Gymnasium, Clark and Columbia, and would give them over the air at certain intervals, as people all over town were awaiting that information. We use those facilities in order to enlarge the evening crowds. The larger the crowd the better the game, and the better the game the larger the crowd; it works two ways.

331 Q. There was a time when the local station signed off at nine o'clock.—A. Yes; nine o'clock on week days, and Sunday afternoon I believe at one or two; something like that.

Q. Now do you understand now, Monsignor Wolfe, that the hour of signing off is eleven p. m.; the time has been extended?—A. I knew the time had been extended. Whether it was eleven p. m., or ten, I didn't have that definitely.

Q. Do you know, Monsignor, whether the facilities of the local station have been utilized in broadcasting the football games played at Columbia?—A. Yes.

Q. They have, have they not?—A. Yes.

Q. From the field?—A. Yes; and basketball games also.

Q. And that is all gratis, is it not?—A. There might be some wire charge, that is a general consideration made with everyone, that the telephone wire be connected up.

Q. Now, all of the basketball games; that is, the games played at Columbia College, where other colleges come here; those games are always in the evening, are they not?—A. Yes.

Q. Do you consider, Monsignor, that the extended time of two hours; that is, up until eleven o'clock in the evening, increases the facilities of the station?—A. Yes.

Q. For evening performances?—A. Yes, because these events run rather late sometimes.

Q. And what would you say, Monsignor, from your experience in utilizing the radio for broadcasting talks, when would you deem, or what would you deem the best hour in order to get the

greatest number of listeners in the home?—A. Well, I would think educational institutions find that around the noon hour is the best time. People are at home; mothers are taking a rest, listening in. Child care, child education, and child nature talks are usually given then. Entertaining talk, also instructive for children and parents, between four and six. Talks for men; whatever the content of the talks; may be usually after supper. Those are the general lines I think, that they usually follow.

Q. Have you been offered the facilities of the proposed station for the noon hours?—A. Have I?

Q. Just read the question. (Question read by Reporter.)—A. I wouldn't say definitely. It has offered practically any
332 hours that the station would broadcast. The definite hours would be determined by the program director or whatever you would call him, at the station, who would naturally want programs of that type, educational and relating to the home and child care around the noon hour.

Q. State whether or not, Monsignor, you know if there are any educational programs on the air coming into this locality from stations now serving this locality, and not confining it to WKBB, but taken into consideration Ames and WMT?—A. Iowa City.

Q. Waterloo, and WHO Des Moines, and WSUI, at Iowa City.—A. Yes. You asked regarding noon hour programs?

Q. Yes.—A. Yes, and from my observation regarding the time they select; they select programs—this happens to be those I am interested in—Dr. Stodard's, that I am interested in at Iowa City, they use the noon hour.

Q. And he deals with a subject and presents a subject that is worthy?—A. Oh, my yes! The best in the United States.

Q. And that comes into this community with good reception?—A. Yes.

Q. Monsignor, you referred to talent—at least I think you did; I may be in error—talent in the elementary schools under your jurisdiction in a radius in Iowa within forty miles of Dubuque, is that correct?—A. Yes.

Q. That might be available for broadcasting. Now what is the character of the talent that you refer to?—A. It might be a children's orchestra, bands, I suppose the children's choirs; boys choirs; orchestra, bands, and boys choirs.

Q. Do you consider that talent sufficiently advanced to attract a large radio audience outside of those that might be especially acquainted with them or related to them?—A. Well, I imagine the interest wouldn't be as wide as it would be for other types of broadcast. It would limit itself to a certain extent to the

area in which you would get publicity; that is, the homes of these children and their friends and so on. There would be others listening in, but they wouldn't be drawn to it as they would to other more momentous programs.

Q. Yes; that is what I understood. Now Monsignor Wolfe, you said that the hope was expressed by the representatives
333 of the Applicant, the Telegraph Herald, that their—they would later secure a permit to extend the service into the night hours, as well as the day?—A. I was under the impression that as soon as the organization would justify that movement, it would be taken.

Q. Now who informed you of that? You had your conversations, as I understand it, with Mr. Kane and Mr. Kane is the Manager of the Telegraph Herald?—A. I think he is Business Manager. I think Mr. Arndt left me under that impression. It wasn't discussed at any length; it was just mentioned.

Q. Mr. Arndt is associated with the Telegraph Herald?—A. Yes.

Q. Would you deem the evening hours necessary in order to give adequate service in this community over a radio?—A. I would; taking "adequate" in its formal sense.

Q. If the community were to be served by that particular station?—A. I would.

Q. I think that is all.

Redirect examination by Mr. Lovett:

Q. Monsignor Wolfe, how frequently has the Vested Choir broadcast over the local station?—A. I am not in a position to state that. It has been rather rare; I wouldn't say it was the local station's fault, or lack of cooperation—leave the word "fault" out—any more than it would be the Vested Choir's preparing for other distinct concerts, and has not been so much interested in broadcasts.

Q. It would be more interested if they could broadcast from their own studio?—A. Yes; I think it would, as it is rather difficult to transport so many and have them all present at a particular time.

Q. A great deal has been said about a convention that was held here last August. Will you state whether or not the Telegraph Herald gave any publicity to that convention, and if so the extent of it?

Mr. Gillodon. Now, just a moment; we object to that as incompetent, irrelevant and immaterial to any inquiry here. Your answer may follow the objection.

A. I believe the Telegraph Herald has always given me the facilities of a special reporter to be present to accept manuscripts

334 and to help me in general to secure the best facilities for publicity. My personal impression, which has been intensified by reports from others, is that we have secured exceptional publicity through the Telegraph Herald.

Q. And that has all been freely given?—A. Yes.

Q. That is all.

Rt. Rev. Mon. J. M. WOLFE,
Witness.

Sister MARY CARLOS, called as a witness on the part of the Applicant, after having been first duly sworn by me as Notary, testified as follows:

Direct examination by Mr. LOVETT:

Q. Your name and address?—A. Sister Mary Carlos, Principal Immaculate Conception Academy, Dubuque, Iowa.

Q. Sister, will you state just what is the Immaculate Conception Academy, and the area from which it draws the students?—A. The Immaculate Conception Academy is a day school, and also a boarding school, for girls. Would you like the courses we have?

Q. Yes; if you will.—A. It is an academic course. We also give work in music, art, domestic science. Is that all—and, of course, the usual amount of athletics. We stress, I think possibly more than any other, the development of character, to build desirable young women. We draw our students, at least ninety percent or possibly better, within an area of fifty miles.

Mr. GILLOON. Fifty?

A. Fifty, I suppose.

Q. Sister, are you familiar in a general way with the plans of the Telegraph Herald to establish a radio station in Dubuque to serve this general area?—A. I think I am.

Q. Will you state to what extent you would be desirous to use the facilities of this proposed station in connection with your school work?—A. We would be willing to devote a period, I suppose each week; at least I think each week would be satisfactory; and we would give programs from our musical department and our orchestra and glee club, vocal selections and piano selections, and other selections over this; plays and skits
335 from the dramatic department; talks and lectures, I suppose from the other departments; debates and panel discussions from the English Department. Possibly not the English department; any other department might take that in. The English Department would handle that, but it might be better not to say "the English Department," because some other depart-

ment might want to put on a debate or a panel discussion as well as the English.

Q. Would you also be interested in using the proposed facilities for special broadcasts from the academy?—A. I think we would.

Q. Have the facilities of any existing station been offered to you freely for this particular purpose that you have been mentioning?—A. I wouldn't say "freely." We have had, of course, offers, but not anything like this: not any offer of this kind at all.

Q. And you believe this type of broadcast would be helpful in the furtherance of the work of your Academy?—A. I believe it would be beneficial to both the students and the school.

Q. That is all, Mr. Gilloon.

Cross-examination by Mr. GILLOON:

Q. Sister, you made reference to the fact that the facilities of the local station, WKBB have been offered to you: but the offer wasn't as extensive and as inclusive as this offer. Now, I think that is in substance, I think, your last answer?—A. Well, I don't know whether I am just exactly correct. We have the opportunity to go down there, but we have to ask for a special time to broadcast over theirs; they have never come up and asked us to take a special period over their station.

Q. But you have always understood that you might request, or inquire as to time available?—A. Yes, I think we could do that. Of course, we never have made use of the station because—well, I think largely the reason was the girls didn't like the studio from which they had to broadcast; they didn't think it did justice to the work they were doing for music; for speaking I think it was satisfactory.

Q. Did they ever utilize it?—A. Yes; during Catholic Action Week we used it.

336 Q. What is that?—A. Yes; during Catholic Action Week they were called upon.

Q. Your students from your academy?—A. Yes; and they didn't think the work as it came over the radio did justice to the—there were several different instruments used, and they didn't believe they came over as clear as they should.

Q. I think I will move to strike out the answer as necessarily predicated on hearsay. These remarks came from the students rendering the selection?—A. Well, and those in the school who had heard them give it at the school.

Q. Did you hear it yourself?—A. Yes. We weren't quite satisfied.

Q. What radio were you employing over which to get the reception?—A. I think it is a Temple, yes; and what is the

other sound radio we have? We have another radio; I really don't know what the make of it is.

Q. How old are those radios?—A. Well, I suppose our Temple radio is eight years; the other one is not as old as that, but I don't know how old it is.

Q. Do you frequently tune in and listen to WKBB?—A. Not very much.

Q. Not very much?—A. No.

Q. How frequently?—A. We may get the news flashes, but other than that I don't think we tune in for hardly anything except just to see what is coming over, but not keep it on.

Q. Do you ever employ that station for musical programs? Listen to them, I mean, as a listener?—A. No, not very often, I believe, except as they are relayed from other stations.

Q. You have not listened to the Chicago Symphony Orchestra broadcast at eight o'clock in the evening from that station?—A. I think not.

Q. You are not familiar with the fact that they have this musical hour between eight and nine, or seven to eight in the evening?—A. Well, I don't know; you see they haven't had that excepting during the spring.

Q. All summer.—A. And of course, we are not in the house during the day.

Q. Now these facilities that have been offered to you by this proposed station of the Telegraph Herald; just what
337 are those facilities that you understand have been offered to you?—A. Well, we are to have the use of their station thirty minutes per week for any type of educational program that we are able or willing to prepare for that week, and then for special occasions they are also willing to give us time, and I believe if I understood it correctly, if the program is worthwhile, to run a line out to the school to get the program over their station.

Q. Now what would you consider a "worthwhile program" that would warrant the extension of a wire from the school?—A. I haven't had time to think about that; it was just presented to me a few minutes ago, and I really haven't given the programs thought enough to be able to answer on that.

Q. Now as I understand it, the children that attend the Immaculate Conception Academy are of high school age?—A. Yes; we have four years of high school for girls.

Q. Ranging from 14 to 18?—A. Well, I would say 13 to 18; the majority, of course, being about 14 to 17.

Q. Do you have a commercial department?—A. We do.

Q. And what is the average yearly attendance of the whole school?—A. Well, I should say 175; about 165 to 188, is the

highest we have had; but I would think an average of about 175.

Q. Now what percentage of those children would be in the Commercial Department availing themselves of that branch?—A. Would you want that in numbers?

Q. Well, numbers or percentage. Numbers is all right, Sister.—A. I would say 35 to 40 per cent.

Q. Of the 175?—A. We do not offer it until third and fourth year, you see for that reason.

Q. Oh, the third and fourth high school year those students participate in the Commercial Department, and prior to that they do not?—A. Prior to that they are preparing to make themselves fit for the Commercial Department.

Q. Well, if I may ask, approximately what percentage of the attendance belong to the junior and senior classes?—A. Last year we had 187 students and 75 of those were in third and fourth year.

Q. And you graduate between thirty-five and forty annually?—A. To be very accurate, between thirty-two and forty.

338 Q. Now, approximately how many students do you have in the Academy taking music; taking music to the extent, and advanced sufficiently that you think they would be qualified to offer a rendition over the air?—A. Would that include glee club and orchestra and the instrumental?

Q. Well, in this question I was confining it more to the instruments—piano.—A. Well, you must understand that our Music Department is more than highschool students. You see, we have many taking music who do not attend the school. There are some younger than highschool age and there are some who have finished highschool. I wouldn't be able to answer that accurately because I don't check up on the number of music students, but the glee club and orchestras, I could give you that.

Q. Now, the 90 per cent of the students in attendence that are attracted——A. Within an area of fifty miles of Dubuque.

Q. ——what portion of that 90 per cent are local?—A. Eighty-five.

Q. Between eighty-five and the ninety?—A. Yes; I think about five per cent would be around from the close country district and Wisconsin and Illinois.

Q. And the other ten per cent would be from a greater distance than fifty miles is that the way you are dividing it up?—A. I think so farther away in the State, or out of the state.

Q. Do you recall, Sister, the instruments that were being used by these particular students that appeared at WKBB Studio?—A. Cornet——

Q. And that the listeners thought the reception was not so good?—A. Cornet, xylophone, and piano; and of course, it is the piano that is the worst; that doesn't come over as it should.

Q. Do you know the piano that is employed at the studio?—A. No, sir; I don't.

Q. Used in broadcasting musical recitals?—A. No; I don't.

Q. Are you familiar with the Charles Frederick Stein instrument, piano?

MR. LOVETT. I object to this as entirely incompetent, irrelevant, and immaterial; Mr. Gilloon, I wonder if we can't get down to something material?—A. The Stein Piano is good.

339 Q. I beg your pardon?—A. It is considered a good piano. But, I don't know anything about theirs.

Q. How far advanced was the particular student that was using the piano?—A. She was within one year of completing the course—the graduate course.

Q. What is the course?—A. Graduate. You will have to get a music teacher to tell you that. I don't know; but it is quite an advanced course.

Q. I think that is all.

MR. LOVETT. That is all, Sister Carlos.

Sister MARY CARLOS,
Witness.

Mr. EARL D. CLINE, called as a witness on the part of the Applicant, after having been first duly sworn by me as Notary, testified as follows:

Direct examination by Mr. LOVETT:

Q. Give your name and address and occupation.—A. Earl D. Cline, Superintendent of Schools of the city of Dubuque, Dubuque, Iowa.

Q. Mr. Cline, are you familiar with the fact that the Telegraph Herald is planning to establish a radio station to serve Dubuque and this immediate vicinity?—A. I have been so informed; yes.

Q. Can you state from your knowledge what the attitude of the Telegraph Herald has been toward the educational program in Dubuque?—A. Well, I found the attitude of the Telegraph Herald to be very favorable toward the schools; and they have been willing to give us any space for publicity or announcements or anything of that kind that we have ever asked for.

Q. What extent is the Dubuque school system—what does it comprise?—A. Well, we have nine elementary, including the kindergarten to sixth grade; two junior high schools including grades 7, 8, and 9; one Senior high school including grades 10,

11, and 12; and one special school and office building; making thirteen buildings in all, with an approximate enrollment each year of five thousand pupils.

Q. Now, if the Telegraph Herald be successful in its ef-
340 forts to establish this station, and its facilities be freely offered to you, in what way and to what extent would you make use of it?—A. Well, we would be willing to cooperate in any way possible with the station, using the facilities as we feel we could to any extent that they would be willing to let us use the facilities to broadcast our various departments of the school, either Parent-Teacher, or Music, or Dramatics, or any announcements or such like.

Q. Do you have many musical groups in your school system?—A. Yes; we have musical groups, not only in the elementary, but in the Junior and High Schools; bands and orchestras and such like.

Q. Are there special occasions on which the use of the facilities of the radio station might be of value to you?—A. Well, we have been using the facilities of the present broadcasting station for Parent-Teachers education work, and also for the American Education Week, which is usually the second week in November; but that would be continued or duplicated with any other new station.

Q. Are there occasions when commencement exercises or special addresses which you feel it would be beneficial to broadcast?—A. The schools as a rule have some talent enter the city during the year, and we would be very glad to have that talent used in any way it could be used by the stations.

Q. That is all, Mr. Gilloon.

Cross-examination by Mr. Gilloon:

Q. You have made use of the local station, Mr. Cline, WKBB?—A. Yes; they have been very cooperative whenever we ask for the use of facilities; although we haven't had a regular set-up, that is, for example, once a week or once every two weeks.

Q. You have never asked for that cooperation? You have never given them a plan or a schedule that you would supply for their programs?—A. No.

Q. Do you know Mrs. French of the Parent-Teacher Association?—A. Mrs. Raymond French?

Q. Yes.—A. Yes.

Q. Do you know whether or not she has been broadcasting regularly for the Parent-Teachers Association over WKBB?—
A. Yes. She gave a series of broadcasts on par-
341 ent education; I think it was six or eight weeks, or something like that; I have forgotten the exact length of time.

Q. Have you, yourself, ever talked over WKBB?—A. Yes; I have.

Q. In connection with your school work?—A. In connection with parent-teachers work, I think it is what they call Foundation Week. I believe it was in March, for the Parent-Teachers Association I gave one talk over there.

Q. You have always understood that the facilities of the local station were available to the public and to the schools?—A. I have; yes.

Q. You have a local Civic Music Association in the schools that is of the teacher membership?—A. That must be the Dubuque Teachers Association. You don't mean "Civic Music Association"; the Civic Music Association is independent.

Q. I beg your pardon. The musician I had in mind was Professor Kleine; not the synthetic [laughing].—A. I will take that (laughing).

Q. Do you know, Mr. Cline, whether or not any of the local students in the public schools who have exceptional accomplishments along musical lines, have ever appeared over the local station?—A. No.

Q. You don't know of your own knowledge?—A. I don't know, Mr. Gilloon; the High School has the facilities and would have a record of it, and would know about it.

Q. That would be under Mr. Johnston?—A. Yes. They would know. I do know they have—I believe it is a kindergarten rythm band broadcast over the local station once. But I don't know about those things. They don't clear through my office, so I wouldn't know.

Q. I think that's all.—A. All right.

E. D. CLINE, *Witness.*

Mr. A. C. KLEINE, called as a witness on the part of the Applicant, after having been first duly sworn by me as Notary, testified as follows:

Direct examination by Mr. LOVETT:

Q. Give your name and address and occupation, please.—A. Professor A. C. Kleine; I am Director of the Dubuque Academy of Music, Dubuque, Iowa.

342 Q. Mr. Kleine, will you tell us what is the Dubuque Academy of Music?—A. The Academy was founded in the year 1880 by two ladies who had studied at the Leipzig Conservatory. The school was founded on the highest ideals in the art of pianoforte playing. I took the Academy in the year 1890. Do you want something about the teachers?

Q. Yes, if you would.—A. My wife was a graduate of the Dresden Schools, Germany. She has been my assistant with six other teachers. We specialize pianoforte, only. Would you care for the names of the faculty of my teachers?

Q. You might state from where you draw your students and the accomplishments of some of your students and faculty members if you will, please.—A. Well, a number of the important dates that were given were these: Martha Zehetner played with the St. Paul Symphony; Aida Campbell played with the Minneapolis Symphony; Joseph Brinkman was the prize winner in Chicago, who played with the Thomas Orchestra; Marie Wardell is one of my very prominent players.

Q. These are all former students that you are mentioning?—A. yes; and these were all teachers, excepting Marie Wardell. Miss Edith Groff and Martha Zehetner do pianoforte work; excel/ in that; and I have an ensemble class for two pianos—eight hands, that could be used.

Q. From what area do the majority of your students come. Professor Kleine?—A. Well, I have had students from Galena, Guttenberg, and Bellevue, Sabula, and Savanna, Illinois.

Q. Are quite a majority of them from a radius of thirty or forty miles?—A. And Manchester.

Q. Professor Kleine, are you familiar with the plans in general of the Telegraph-Herald to establish a station in Dubuque to serve this general area?—A. Yes; I am.

Q. First, will you tell us, if you can of your own knowledge, the attitude of the Telegraph Herald toward the Academy and toward classical music in general?—A. I feel that the attitude of the Telegraph-Herald is one that would pronounce the educational side of music. We have very much good talent in the city and it should be an easy matter to handle this situation from a musical standpoint as a benefit to the community at large.

343 Q. Professor, will you state to what extent and what way the use to the Academy would be desirous of utilizing the radio facilities proposed by the Telegraph-Herald?—A. Well, I feel we would get in closer touch with a great many of the families, and a great many of the parents in broadcasting programs. I think sometimes our neighbors are not very cognizant of what we are doing; but from the radio you can enter recesses that you could not touch otherwise.

Q. What type of program do you propose to present over this proposed Telegraph-Herald Station?—A. Entirely the classical side; from the earliest time in pianoforte playing to the present hour.

Q. Are you prepared to present a program regularly over this station?—A. Yes, weekly; I believe we could present programs of a half hour.

Q. Of what nature? Could you illustrate just one program which might be broadcast over that half-hour period. or any series of broadcasts?—A. Yes. I think I could give you a better idea in this way: we could begin with the old school, like the older artists like Scarlotti, Rameau, and the different Bachs. I might carry out a program on that, you understand, and then move along the line of the composers, passing through the entire history of music that is devoted to the piano largely, up to the present time. We would have the romantic school and the modern compositions; compositions of the present hour. You see? The three: Classic, romantic, and modern.

Q. And in addition to this type of musical and historical development, you would present classical programs which would be complete in themselves?—A. Yes. The best works of the best Masters; along the line of composition, you understand; from the earliest stages of the pianoforte up to the present hour.

Q. You would propose to make explanatory remarks?—A. Remarks with reference to the compositions and with reference to the period and the time in which they were written.

Q. Have any of the facilities of any radio station been offered to you for this particular type of broadcast in the past?—A. No; they have not.

Q. That is all, Mr. Gilloon. * * * I might ask one other question right here. In addition to the talent available in
344 your academy for classical programs of the type that you mentioned——A. Yes?

Q.——do you know of any other such talent which would be available in this community in this general area for that purpose?—A. Are you referring to the piano alone, or artists in general?

Q. I was thinking particularly of the classical.—A. Well, there would be the teachers I am acquainted with, our Professor Alfred Manger, violinist; Professor Edward Schroeder; I think I saw him here a little while ago, violinist; and the vocal teachers would be Professor Logan of the University of Dubuque; Father Kelly, Columbia; those are Dubuque people. I don't know who is doing the vocal work up at the Senior High.

Q. Are there many of your former students that would be available?—A. What do you mean; as teachers?

Q. No; for broadcasting classical programs.

Mr. GILLOON. We object to that as calling for an incompetent conclusion of the witness.—A. What was that?

Q. Go right ahead.—A. We have—well, there is Miss McCaffrey, is a very good teacher; Doris McCaffery. Miss Kamm; most of these young people, you know they get away, and get away from me. Do you want some from outside the city?

Q. Well, I mean from your own knowledge, the talent that is available here for programs of a classical nature.—A. I know that Miss McCaffrey was taught a great deal. She knows a lot more than some of the others. Miss Florence Lally who used to be here passed away recently.

Q. Do you know of your own knowledge that there is interest in music of the better sort here in the Dubuque area?—A. Oh, I think there certainly is, I feel, of course, it has suffered some through the times, but I believe these recitals over the radio would be quite a stimulus; but, all the schools have suffered on account of all of the terrible conditions that we all know about. There is a vast difference today from the past. I can say that we are just about one-half as large as we were a good many years ago.

Q. You feel this program you suggested would be helpful in bringing things back to normal?—A. It would. Yes, I believe it would.

345 Cross-examination by Mr. GILLOON:

Q. Professor, utilizing these proposed facilities of this proposed station in the manner that you have suggested, do you contemplate the artists rendering the programs from the studio of the proposed station?—A. Yes, sir; I do.

Q. Not from your Academy?—A. No, no.

Q. Have you ever utilized the facilities of the local broadcasting station, WKBB?—A. No, I never have. Some of my pupils have played there at different times, but I have never been in any connection——

Q. Yourself?—A. ——with it myself.

Q. Do you know the names of some of the pupils that have played?—A. Yes; Norman Fettgather; I think Marie Wardell. I don't know whether the ladies have played their two pianoforte work or not. I know they have in other cities. Mrs. Groff and Miss Zehetner.

Q. Mr. Fettgather and Collins very accomplished?—A. They are very gifted. They are very far advanced.

Q. You have talked over the station, have you not, Professor?—A. Yes, I was called on—oh, some time ago. About a month ago I believe, that I was asked to give a little address. It is so long ago I have actually forgotten what it was about.

Q. Well, was that in the inauguration of the musical program?—A. I think it was in reference to—well, I don't recall it;

I think it was something with reference to musical conditions, or I believe it was with reference to the Civic Music Association, but I am not certain.

Q. Are you aware of the fact that a portion of the broadcasting time of the local station between the hour of seven and eight o'clock in the evening is devoted to the program that is rendered in Chicago, including the Women's Symphony Orchestra?—A. Yes.

Q. And Chicago Philharmonic Orchestra?—A. Yes.

Q. Presented in Grant Park, Chicago?—A. Yes.

Q. That carries all of the better talent of Chicago, does it not?—A. Yes.

Q. I believe you sent out a circular letter to the Civic Music Association some time ago incorporating the August
346 and September programs?—A. Yes. Yes; this was in connection with the Illinois Central; they came and asked us for the addresses of the members of——

Q. Well, I particularly refer to the program on those.—A. Yes.

Q. During the month of August and part of September, that you set out here.—A. Now in what way do you refer to this?

Q. Well, I call your attention to the program——A. Well, those are——

Q. Now, I will ask you in regard to it. I wanted you to have this program in mind. You are President of the Civic Music Association?—A. Yes, sir.

Q. Now, do you know, Professor, that this program has been and is being broadcast by WKBB, the local station?—A. Yes.

Q. Between the hours of seven and seven-thirty each evening, direct from Chicago?—A. Well, I have not listened in much on those things. I can't do it myself; it is too hard on me.

Q. Well now, the rendition of a program of that kind over the local station——A. Yes?

Q. ——so that the listeners of the local station might enjoy it; that would be considered high-class musical education, would it not?—A. Well, most of it there is good; some better than the other.

Q. Well, you thought at the time that you suggested, or called it to the attention of the members of the Civic Music Association to the fact that they might avail themselves of the services of the railroad in going to Chicago; that it might be worth while?—A. Yes, that it might be worth while; there have been quite a few——

Q. In going over and attending the services in Chicago?—A. Yes.

Q. Well, I ask you that because of your superior place in the field of music. These artists and programs are considered worthwhile programs?—A. They are very good.

Q. Did you some weeks ago conduct what might be termed the Dubuque Music Week, by the Dubuque Civic Music Association in Dubuque?—A. Not in the Dubuque Academy of Music. We always present——

347 Q. Well, might I ask now, is the Dubuque Civic Music Association made up of those associated with the Dubuque Academy of Music or are they from on the outside?—A. No; that is open to anyone.

Q. Well, my inquiry was, did the Dubuque Civic Music Association some time ago, within the past month or six weeks——A. Yes.

Q. Conduct what they termed a Music Week in the city?—A. No.

Q. Did you at any time during the summer?—A. Not during the summer; not the Civic Music; the last concert that was given that had any connection with the Civic Music Association was given by the Women's Club, and that was up at the Senior High-school.

Q. Oh, maybe I am in error on this. Did the Dubuque Civic Music Association conduct a drive for memberships?—A. Yes.

Q. During the summer?—A. Yes.

Q. And I will ask you to state if you know whether or not the committee in charge in sponsoring that drive, were afforded the facilities of WKBB for speakers?—A. No, we have not had any; no, nothing whatever.

Q. Do you mean that the speakers did not speak over the local radio in connection with that?—A. Never. Perhaps there was something came in there when I had a few words—I think that is what it was, with reference to the Dubuque Civic Music Association. I think I was called on suddenly and asked if I wouldn't come in; and that was with reference to the Civic Music Association; but we have had no help at all on that.

Q. Did you have a man from out of town come in?—A. Yes; Mr. Cornetet came in.

Q. Now, is it not a fact that Mr. Wright did employ the facilities of the station in speaking on the subject?—A. Oh, yes; that comes to my mind; I think he did. Yes, he did. They carried this thing on so much alone. Yes, I recall now that he got the assistance of the radio.

Q. Now, I think I am asking you about Mr. Wright using the facilities of the station; I might have said "employed the services of the facilities"?—A. Yes.

348 Q. May I ask you now whether or not there was a charge made, or whether that service was gratis?—A. I think not. I am quite sure it was gratis.

Q. The point I am getting at is, whether the local station cooperated.—A. Yes.

Q. In the drive to that extent?—A. Yes.

Q. By giving to this Association this opportunity?—A. Yes, I am pretty sure of that, because my secretary would have notified me. You know, we select our talent always according to our budget. We have made our drive and we know.

Q. Your paid talent?—A. Yes; we select that according to our budget.

Q. In speaking of that; now, is it your notion that these ones that you have mentioned here, these accomplished musicians, would render their services free of charge to the broadcasting station, or would they expect pay for it?—A. Well, I don't think the younger people might think of anything like that, but the Professors might, but I don't think so. I think any of them would cooperate, especially the first year I think they would all be glad to cooperate.

Q. Do you know any reason why they wouldn't be willing to cooperate on these programs with the local station, WKBB?—A. No, I couldn't speak for that.

Q. Well, do you know any reason why they shouldn't? Why they should give preference to the Telegraph Herald's proposed station?—A. Well, it would seem to me that it would be of greater advantage, wouldn't it, for anyone to be in connection with the paper?

Q. From what standpoint?—A. Well, it would seem to me that the newspaper could give you some advertisement on the program. You know—something on what the program is going to be; something that is a little harder to get if on the radio when in a small center like this which would be quite independent.

Q. You would conclude unless the paper had a station of it's own it would not cooperate sufficiently with a station over which it had no control?—A. Well, I guess——

Q. You would get the same result of the same amount of advertisement?

MR. LOVETT. I object to that as asking for a conclusion of the witness.

349 Q. The facilities of the local station have never been denied you, Professor?—A. No.

Q. Joseph Brinkman; what shall we call him, he has made that his life's business?—A. He has made that his profession; he is teaching at Ann Arbor now. I had him up to his thirteenth year.

Q. He would not be available here excepting on special occasions, and you would expect that he would be compensated?—A. Oh, yes. Yes. He played on the Civic Music Association last year.

Q. Is Miss Wardell on your teaching staff?—A. No; not on the teaching staff.

Q. Where is she?—A. She lives here in the city. Do you want her address?

Q. Oh no, not particularly, just Dubuque?—A. Dubulque, Iowa.

Q. Does she follow music as a profession?—A. Yes.

Q. Does she teach?—A. Yes, she teaches. She is very gifted—very gifted.

Q. She plays for a consideration?—A. Yes.

Q. And do you mean now that your own services would be available over the year?—A. Yes, sir.

Q. And do you contemplate that those services would be gratis or for a consideration?—A. Gratis.

Q. Gratis?—A. Yes.

Q. I think that is all.

Redirect examination by Mr. LOVETT:

Q. Professor Kleine, you intimated that some of your students had broadcasted over the East Dubuque Station? Were those broadcasts under the auspices of the Dubuque Academy of Music?—A. No, never. They were just called upon this once at different times to take part in different programs. I knew they had played. I have heard some of them play over the radio—several of them—young Collins and Fettgather.

Q. That is all.

350 Recross-examination by Mr. GILLOON:

Q. Does he use the piano?—A. Sir?

Q. Does he use the piano?—A. The piano only.

Q. And how did the reception seem to be and the rendition?—A. Well, it came to us very good. It was very good.

Q. That is all.

H. C. KLEINE,
Witness.

EDWARD J. SCHROEDER, called as a witness on the part of the Applicant, and after being first duly sworn by me as Notary, testified as follows:

Direct examination by Mr. LOVETT:

Q. State your full name and residence and occupation.—A. Edward J. Schroeder, Dubuque. Director of the Schroeder Violin Conservatory.

Q. Professor Schroeder, will you tell us just what the Schroeder Violin Conservatory is?—A. In what way have you—in what way do you mean? Well we are—the idea is to educate a violinist for the radio, concert field, or orchestra field.

Q. It is limited to the violin?—A. No; the violin and cello.

Q. Do you do all of the instructing yourself, or do you have other instructors also?—A. I have other instructors.

Q. How many?—A. One.

Q. From what area do you draw the majority of your students; I mean in miles, 30 or 40 miles?—A. Well, there is some come from as high as 80 miles, 40 or 50.

Q. The majority of them are from——A. The majority of them are from this locality; all these small towns; there is always a lot of pupils coming into study.

Q. Are you familiar with the plans generally of the Telegraph Herald to establish a radio station to serve this general area?—A. Well, I was just talking to the gentleman about this; what they were telling me they would put up this station, and it is from an educational standpoint, the way I understand it, to bring out the musical and educational side of this community.

351 Q. Can you state of your own knowledge what the attitude of the Telegraph Herald has been in its columns toward music and musical education?—A. They have been very fine—very fine.

Q. If they be successful in their efforts to establish this station, would you and your Conservatory be desirous of cooperating with them in the broadcasting of programs of the better type?—A. Well, now, I think I would be able to do something along that line. I have never done anything myself along that line in radio except a few symphony orchestra broadcasting a few times over the Dubuque station we have here; outside of that myself personally I have done nothing.

Q. The Conservatory as such hasn't had a regular program over the broadcasting station?—A. Now, do you mean some of the pupils that came from the Conservatory?

Q. No; I mean there hasn't been a Conservatory period?—A. No; the Conservatory has had no period. Yes; I will say that the two boys and Mrs. have given some programs over the station.

Q. Would you be interested and willing to put on a regular program over the proposed Telegraph Herald station under the auspices of the Conservatory?—A. Well, this is the first time I have been approached along that line to give a regular program of any kind.

Q. Well, would you be interested if the facilities were made available to you?—A. Yes. I think I would.

Q. For, say 30 minutes a week?—A. I think I would. I would be willing to put on a program. I would have to see how it could all be done.

Q. You have quartettes and soloists?—A. Quartettes and soloists and various combinations.

Q. And various combinations?—A. Yes.

Q. All of which would be available for such a program?—A. Yes. We could arrange something like that. Just as I say, I have never been approached along that line and now it is coming I would have to see what I could do.

Q. Would you be definitely interested in doing that?—A. I would.

Q. Do you think that would further the interests of your Conservatory and be beneficial to the progress of your students?—A. I think it would.

Q. I think that is all, Mr. Gilloon.

352 Cross-examination by Mr. GILLOON:

Q. Would you be willing to cooperate in the same way with the present station, WKBB?—A. I think so. I don't see why not.

Q. If the opportunity were afforded, why you would be willing to work up a program or at least consider the working up of one—give thought to it?—A. I would perhaps give thought to it.

Q. Well, that is what you would do with the proposed station; you haven't thought the matter out yet?—A. Yes. Yes. You see, I was just approached on the situation. I was never approached before.

Q. You have never done it?—A. I have never done it.

Q. Have you ever appeared over the local station WKBB?—A. The only time I did was when they inaugurated that WABC and affiliated station.

Q. That is a chain network over the present station?—A. Over the present station; yes.

Q. You did appear at that time?—A. I did. I gave a little talk.

Q. Would your orchestra appear over the air from Columbia College through remote control?—A. It would. I think that was remote control, there, at Music Week.

Q. Yes?—A. Yes.

Q. Your son is a composer?—A. He is. Yes, sir.

Q. He and his brother and Mrs. Schroeder have appeared on the air?—A. Yes, sir. Yes.

Q. Over WKBB?—A. Yes, sir.

Q. You always understood that WKBB facilities were open to you?—A. Well, I don't know—I never asked in any way or was approached.

Q. Well, you never felt——A. I never felt?

Q. You never felt that that would be denied to you?—A. What was that?

Q. That they would be denied to you?—A. Well, I don't know. I didn't think they would be denied me.

Q. They have never been refused you?—A. No. I have never asked them and I have never had occasion to be refused.

353 Q. Are you familiar with the program over WKBB that has been running this summer carrying the concerts from Grant Park, Chicago?—A. Yes, sir.

Q. You have listened to those, have you, between the hours of 7 and 8?—A. Yes, sir.

Q. You consider that a worthy class of music for the listeners?—A. Very fine. Very fine.

Q. What is the extent of your teaching staff?—A. We have one extra teacher at the present time.

Q. And yourself?—A. And myself; yes, sir.

Q. I think that is all.

Redirect examination by Mr. LOVETT:

Q. Professor Schroeder, did you teach at any educational institutions here?—A. At Columbia College.

Q. At Columbia College?—A. Yes, sir.

Q. Can you state what some of your students have done in a musical way after they left the Conservatory?—A. Well I will say this: I have had four graduates that I think it was a year ago or two years ago that appeared as the outstanding pupils of three of our universities and one of our colleges. Outstanding pupils, two of them did all of the radio work for them—announcing like that the Chicago Symphony was coming from Cornell College. That young lady was a very fine student. Mr. Stock spoke of her, director of the Chicago Symphony, and he complimented her very highly on her work. I have those letters myself—personal letters, and there is a lot of pupils have been playing. Now there is another pupil is playing over the radio doing the work at Atlanta, Georgia, for a long period. It is very interesting to me to see how when the students go away like that what they accomplish in places like that, and you know it is very gratifying to Dubuque as a musical center. Now the boy, he is doing very well and he was offered a musical scholarship at the University of Iowa, and right now he is out on the

coast and I want him to accept this and go ahead because I think he is a very talented and gifted fellow.

Q. That is all.

EDWARD J. SCHROEDER,
Witness.

354 JOSEPH FLYNN, called as a witness on the part of the Applicant, and after being first duly sworn by me as Notary, testified as follows:

Direct examination by Mr. LOVETT:

Q. Mr. Flynn, if you will please give your name, residence, and occupation?—A. County Superintendent of Schools of Dubuque County.

Q. Mr. Flynn, are you familiar in a general way with the plans of the Telegraph-Herald to establish a radio station to serve Dubuque and nearby counties?—A. Yes.

Q. Can you state what the attitude of the Telegraph Herald as a newspaper has been toward education in this county?—A. It has always been very agreeable.

Q. They have cooperated with you in every way which you have suggested?—A. Well, yes; they have always treated us civilly and even gone further to publish notices about school. We get out a weekly bulletin—it averages about every ten days, I guess. They always take the matter out of that and publish it.

Q. You have found them very helpful so far as your activities are concerned?—A. Yes.

Q. How extensive is your school system?—A. It covers Dubuque County.

Q. How many schools approximately?—A. There are 107 one-room schools and then there is the towns such as Farley, Dyersville, and Luxemburg, and it goes from Cascade, Zwingle, Dyersville, Luxemburg, and Balltown on the north.

Q. Are there high schools located in most of those towns?—A. Well there is public high schools in Zwingle, Epworth, Farley, Cascade, and Peosta, and we have parochial high schools in other places. Dyersville has a parochial school, but no public high school.

Q. If the Telegraph Herald should be successful in establishing this radio station, would you utilize such facilities as might be freely offered by the station?—A. We would.

Q. To what extent and in what way would you use those facilities?—A. Well, it would be hard to determine that in advance.

355 Q. Well I mean just in a general way?—A. Well I think there is a relationship between the headlines in the

paper and the story. Now the newspaper and the broadcasting station would compliment each other. If there were no headlines, you wouldn't read any stories, and after you hear something over a broadcasting station, you would be more likely to buy a newspaper and read the details of it than if you hadn't. So we would be glad to send out some information through the air and probably also similar information through the newspaper. They would all be avenues for putting out information.

Q. It has been suggested that one day each week be devoted to each of the six counties which this proposed station is expected to reach, including, of course, Dubuque County? Would you be agreeable to participating in such a program to the extent of one program each week for Dubuque County?—A. That is have one each week?

Q. Yes.—A. Oh, I think so now. As a citizen I would like to see a 50,000 Watt station here, but as County Superintendent they wouldn't let us on that. It would be commercialized, but the question is to get out, maybe a small station would give us too much time and a great big station wouldn't give us any.

Q. You would be willing to cooperate at least to the extent of one regular weekly broadcast?—A. And what assurance would we have that they would give us that after six months or two years.

Q. If they propose to give you that, would you use it?—A. We would use it, yes.

Q. Would you utilize the facilities of the station for special broadcasts—emergency announcements, and so forth?—A. Oh, I think so, yes.

Q. Has there ever been any occasion in the past when such facilities might have been used?—A. Well, we have used the local station.

Q. And you would use the facilities of another station in a similar manner in addition to that?—A. Yes

Q. What activities, if any, in the school system would lend themselves to the broadcasting that you suggest?—A. Well, we might familiarize the parents with what is being done in
356 the school. We have two problems—now you take one down in Des Moines and they say that is political suicide to touch it, which is correct, but if you could slip out some information indirectly or get others to do it for you, it might sow the seed that might change some of these people that are entirely politically minded. Now, for instance, we have children going to school that are five years of age according to law, and a teacher came in this morning and said, "This fall I will have three children coming in four years of age." And now they don't enter the first reader until they are six years of age. Now

our problem—we want to hold children back even though they enter school at four or five, and keep them back and not permit them to enter the first reader until they are six years of age. Children coming in at five means that the average child will finish at thirteen. The child will feel superior if he finishes at twelve or eleven, so if they don't go to high school they are in a sad situation because the course of study is to meet the apprehension of an eleven-year-old pupil. My idea is to hold them back until they are six.

Q. Now how are you going to sell that idea to the parents?—A. The other problem is——

Q. You feel that a regular series of broadcasts might assist you in furthering your programs?—A. Well, if I could get Frank Gilloon to make a speech for the schools and get him to help me and say he said the same thing.

Q. You would talk over the proposed station?

Mr. GILLOON. I would be willing to do it over the present facilities.

A. Now you are signed up. I will write the speech. Now here is the other problem. On every dollar of property tax, ninety-eight cents of that is for school purposes. I mean the money that goes for school purposes is raised on a property tax, and ninety-eight cents of it is spent for schools. Now we want to get some of the gasoline tax and we want to get the liquor tax, because the people want their property tax cut, and when they do the only institution they hit is the public schools, and the State now is being supported by the sales tax, but we want to get money to support our schools on the painless tax system, and the property tax is a very painful one. Now there is my two axes I have to grind at the present time.

Q. And a regular broadcast would be helpful in carrying out your program?—A. Yes.

357 Q. Do you have other activities, music that is available for broadcasting programs?—A. Yes; we have other things too.

Q. You have illustrated some of the things in your mind. I am through. You may cross examine.

Cross-examination by Mr. GILLOON:

Q. Would you be interested in an increase of pay of teachers and county superintendents?—A. Well I think so.

Q. If it could be accomplished through a painless system of taxation?—A. Of course, that may be an ulterior motive in proposing this.

Q. Have you ever availed yourself of the local facilities—broadcasting facilities?—A. A few times; yes.

Q. And you have never been refused the local facilities in any public matter that you had?—A. No.

Q. And could not your program be carried on over the local station, WKBB?—A. Oh, I think so, but when we have used it I sent out a bulletin asking the teachers to listen in.

Q. Yes, you wanted listeners. You were not on regularly for any stated period for any series of talks?—A. No.

Q. And of course if you were over a period each Monday, we will say, why the probabilities are that that would soon become known?—A. Well then maybe because of my advising them I was going on I would be maliciously listed.

Q. Well you would have to take that chance. Maybe it is better to sneak up on them?—A. I tried to find out; to get a reaction to some of these things and some of them hadn't heard it.

Q. What hour of the day did you employ?—A. Well we tried some at 11:30 and we went on on the educational week program, I think, for three years, and that is always in November.

Q. What hour?—A. They give the schools, I think, from eight to nine during the educational week.

Q. In the morning or evening?—A. Evening during educational week, and the county schools got fifteen minutes of one day that week.

Q. In getting this message over to the taxpayer and the parent with reference to relieving the property from the
358 direct property tax for school support and the message with reference to keep the child confined to some studies outside of the first reader work, what hour do you think could best be employed in order to get that message over to the taxpayer most effectively?—A. Well I have no way of knowing, but my guess would be from 7 to 7:15 in the morning.

Q. In the morning?—A. Yes; between 7 and 8.

Q. Do you think it would be as good as the supper hour in the evening?—A. I think it would be better; that is just a guess, of course.

Q. Well this would be a rural audience that you would expect to reach?—A. Yes.

Q. I think that is all.

JOSEPH FLYNN, *Witness.*

DORIS MCCAFFREY, called as a witness on the part of the Applicant, and after being first duly sworn by me as Notary, testified as follows:

Direct examination by Mr. LOVETT:

Q. Will you state your name, residence, and occupation, please?—A. Doris McCaffrey, 331 Dorgan Place, Dubuque, Iowa. Organist and teacher of piano.

Q. Miss McCaffrey, are you familiar in a general way with the plans of the Telegraph Herald to establish a radio station to serve this area?—A. Yes; it has been explained to me.

Q. If they be successful in their efforts, to what, if any, extent will you be willing and desirous of cooperating with them in producing programs of musical merit?—A. Well, in presenting pupils I probably could give a half hour every other week or something like that.

Q. What types of programs would those be?—A. Well, pupils' recitals to some extent and I might fill in myself on the organ on the other work.

Q. With explanations that you yourself might give for the compositions?—A. Perhaps.

Q. Do you think that would be of benefit to you?—A. Well, I can see possibilities for advertising and perhaps bettering the pupils' interest in the music.

359 Q. From what area do you draw most of your pupils?—A. Well I have a few country pupils from probably 10 or 15 miles out. I don't have any from out of town now.

Q. How many pupils do you average during the season?—A. Around forty.

Q. And you state you are an organist as well as an instructor?—A. I am organist at St. Patrick's.

Q. And would you be willing and able to give organ recitals over the proposed station if the facilities and the organ were furnished?—A. Oh, yes, I would.

Q. It would be special occasions upon which you would also make use of the occasion for student recitals, and so forth?—A. Well, if this is what you mean, I present my pupils in a recital anyway; I have so often anyway.

Q. I think that is all.

Cross-examination by Mr. GILLIOM:

Q. As organist at St. Patrick's Church, you make use of a pipe organ that is installed in the Church?—A. You say do I make use of it?

Q. Yes?—A. Sure.

Q. It is a pipe organ?—A. Yes. It is one of the newer styles.

Q. And you teach on the organ?—A. Well I have pupils, but I do not teach up there; I don't believe they would allow it, but I do have organ pupils, that is one of the minister's children, but that is over at the little Lutheran Church.

Q. That is on a pipe organ?—A. Uh-huh.

Q. Your piano recitals, where are they conducted?—A. I have been having them either at the Congregational Church in the parlors or else down at Renier's on the third floor in the halls up there.

Q. And in those recitals usually what audiences do you attract?—A. Well, I have big crowds because there is so many in it.

Q. Usually supported by the relatives?—A. Well, to a great extent, although I have my own friends too that are interested too.

360 Q. Have you ever appeared over the local broadcasting station?—A. No, I never have.

Q. Have you ever rendered piano music over the air yourself from any other station?—A. Yes. I have in Chicago; I did a couple of times. I am studying at the American Conservatory over there, and that is a part of your course, the broadcasting. I had here, I don't know whether it was under this station when I first came here—remember when they had it at the Grand, I accompanied quite a few on the piano, but I don't believe there was any station here at the time.

Q. That was one of those traveling broadcast stations?—A. Yes. I imagine it was because that was at the Grand, I remember.

Q. Now in explaining the plan to you, Miss McCaffrey; what was the plan proposed so that you and your pupils might get on the air?—A. The plan of the program or the plan of what you were supposed to do—I don't just understand the question.

Q. Well, that you were to avail yourself and your students; what plan was proposed to you?—A. Well, probably that I would broadcast and a few pupils a half hour every week, probably in the way of instruction, probably a little resume of what was to be played by some advanced students, something like that.

Q. That would be a musical program?—A. Mainly, yes.

Q. In a speech of what you are doing in your school?—A. Yes. I think it was left optional. I don't imagine there was any specification made as to what should be said or not said. I don't recall anything.

Q. Well, if you had something of interest to the general public relating to your work of music and facilities of the local broadcasting station were made available to you, that is WKBB, would not that serve the public?—A. Well, I just hadn't thought about it.

Q. Have you been listening to the programs put out by the local station, WKBB, carrying the recitals from Grant Park, Chicago, between the hours of 7 and 8 in the evening?

Mr. LOVETT. Objected to as incompetent, irrelevant, and immaterial.

A. Well, I could be. I usually listen over WGN. I just have listened through that.

361 Q. Yes, well you get that musical program?—A. Yes; if I am home, sometimes.

Q. That comes into this community?—P. Yes.

Q. Both over WGN and over the local station? A. Yes; Uh-huh.

Q. I believe you said that you draw your pupils mostly from the City of Dubuque?—A. Yes; now I do. I did have a class up at McGregor but not now. I have a few pupils from the country coming in—Sherrills and around in there.

Q. I think that is all. All right, Miss McCaffrey.

DORIS MCCAFFREY,
Witness.

Dr. W. J. CONNELL, called as a witness on the part of the Applicant, and after being first duly sworn by me as Notary, testified as follows:

Direct examination, by Mr. LOVETT:

Q. Doctor, will you please state your name, address, and occupation?—A. W. J. Connell, 212 Bank & Insurance Building, Dubuque; Health Director of the City.

Q. Doctor Connell, are you generally familiar with the plans of the Telegraph Herald to establish a radio station to serve Dubuque and nearby counties?—A. Yes; I know that the application is being made.

Q. Can you state what the attitude of the Telegraph Herald has been toward your Department in the past through its newspaper?—A. We have always enjoyed excellent cooperation in publishing any articles on health that we wanted to have published or any information on health to the public that we might want to give.

Q. Now if this proposed station should become a fact, to what extent and in what manner would your Department make use of the facilities?—A. Why we would make use of the facilities from the standpoint of broadcasting public health talks which would include all phasis of public health work, child health, sanitation; probably sanitation of foods, and all those general subjects, and I think we would probably use these facilities whereby regular talks might be given to the public.

362 Q. And how frequently?—A. Well, I don't think oftener than once a week would be of very much benefit. I think that probably a short talk once a week you would get more benefit from that than from anything else. Of course, there might be circumstances when we would have an epidemic and when special information might be given to the people. Does that answer the question?

Q. That is when there would be special occasions, emergency occasions when further use would be made of the facilities, is that what you mean?—A. Yes.

Q. Do you know whether or not these talks would be beneficial to the area outside of Dubuque—that is, the five adjoining counties? Do you know anything about the health organizations in those counties?—A. I don't believe that in any of these counties—I don't know which. You mean the surrounding counties?

Q. Yes?—A. I don't believe those counties have any regularly organized public health units other than in some of the counties they have county nurses.

Q. Do they look to Dubuque for information of this nature?—A. Yes. We have a great number of inquiries, and the greatest number of inquiries come from—of course, this is Dubuque County; of course, we supply considerable information to school teachers and members of the board of trustees, and many times the boards of trustees have authorized me, as their representative, and I would go out and make investigations of different contagious diseases which they might have in their counties.

Do you feel that this regular broadcast once a week would be helpful to you in the work of your organization and it would also benefit the surrounding counties?—A. Well, anytime that you can get this public health information to the people it is going to benefit them if they follow the advice. Of course, if they don't follow, then we can't help that.

Q. But you have done your duty when you have given the information?—A. Our conscience is clear.

Q. I believe that is all.

Cross-examination by Mr. GILLOON:

Q. Is Dr. Biermann the head of the Health Department of Iowa?—A. Dr. Bierring.

363 Q. Is Dr. Bierring the head of the Health Department of Iowa?—A. Yes.

Q. In Des Moines?—A. Yes, sir.

Q. He is the president of the American Medical Association at the present time?—A. No. He was last year.

Q. Last year?—A. Yes.

Q. Are there any broadcasts on public health out from his office reaching this territory over the year that you are aware of?—A. I don't know whether there are or not.

Q. You never hear them over WHO?—A. No. I don't believe that I have.

Q. Have you ever talked public health over the local station, WKBB?—A. Yes. I have.

Q. How frequently have you appeared, Doctor?—A. Well, as I remember now, probably in the last year six times.

Q. Yes. Now are you aware that other members of the Medical profession in the City of Dubuque also give public health talks over the air from that station, WKBB?—A. Yes. I think Dr. McNamara has and I believe the local dental society has given talks over WKBB.

Q. And is it not true that other physicians have?—A. Yes, I think they have.

Q. That station has been made available for public health talks?—A. Yes. I think it has.

Q. There was no charge made to you for utilizing it?—A. No, not at any time.

Q. And as I understand it, there has been no charge made to these other doctors or the dental association?—A. No.

Q. Have you ever requested radio time so that you might render a series of public health talks over the local station?—A. No.

Q. Has that occurred to you?—A. I was thinking of that some time ago, but nothing ever came of it.

Q. Yes. You didn't take the matter up with the management of the station?—A. No.

Q. Would you be willing to cooperate to the extent of tendering health talks over that station if the opportunity were afforded you?

Mr. LOVETT. Object to that as based on an unwarranted assumption.

Q. Serving the community?—A. I see no objection, because anything like that is a part of the service that we
364 should render to the people. Anyway to get the information to them.

Q. Yes. You are employed public health physician in the City of Dubuque?—A. Yes, sir.

Q. You spoke about the attitude of the Telegraph Herald as being one ready to cooperate on public health matters. I will ask you if you have not also found it to be the attitude of the station, WKBB, to likewise cooperate?—A. Yes. We have.

Q. You have no fault to find?—A. Absolutely none.

Q. In your public health talks during the past year did you deal with the scarlet fever epidemic that we had?—A. I don't recall giving a talk on that. I don't believe I did.

Q. Hasn't it been more or less the policy of the city from the business standpoint not to broadcast the epidemics that are prevalent?—A. Well, sometimes I think businessmen feel that it might.

Q. Keep the trade away?—A. Keep the trade away. Still, we have never felt that way about it because so many false rumors get out. May I give an illustration?

Q. Yes.—A. In 1927 we had eight cases of infantile paralysis between July and December, and reports came to me that we were having as high as fifteen cases a day die. And when we had scarlet fever last year reports would come in to me that we had a thousand cases in quarantine when the highest we had was thirty to thirty-five.

Q. If you didn't mention that over the air, do you recall whether or not you published an article over your signature or for which you were responsible for in the Telegraph Herald?—A. Yes. Information was published in the Telegraph Herald as to the number of cases.

Q. Through your scrutinization?—A. Yes. The information came from the Health Department.

Q. That was rather intended to give the actual facts?—A. Yes.

Q. Regarding the epidemic and take away from it this exaggeration?—A. Yes.

Q. I think that is all, Doctor.

365 Redirect examination by Mr. LOVETT:

Q. Doctor, has any existing radio station ever offered facilities for a regular broadcast such as you are now proposing?—A. No proposal was made for any regular broadcast, but they told me that any time I wanted to make use of the radio station that I would always be welcome.

W. J. CONNELL, M. D.,
Witness.

Reverend HUGH D. ATCHISON, called as a witness on the part of the Applicant, and after being first duly sworn by me as Notary, testified as follows:

Direct examination by Mr. LOVETT:

Q. Dr. Atchison, if you will give your full name and residence and occupation?—A. Hugh D. Atchison, 1141 Main Street, Dubuque.

Q. And your occupation?—A. Clergyman, Pastor of the St. Luke's Methodist Episcopal Church.

Q. How long have you been connected with that Church?—A. Thirty-six years.

Q. And are you connected with the ministerial association?—A. I have been during all that time and have been president several times during that period.

Q. Are you familiar with the fact that the Telegraph-Herald is proposing to establish a radio station in Dubuque to serve this area?—A. Yes. I heard of it.

Q. Can you state what the attitude of the Telegraph-Herald has been in the past and now is toward your Church and your

religious activities in general in this community?—A. Well, I would like to say when I heard that the Telegraph-Herald was proposing to take over something of this sort—because I was particularly gratified—because of the uniform courtesy toward all religious activities, and so far as my Church is concerned they have been very generous in giving space in their paper to everything that we considered essential and they have been extremely cooperative with my Church and very friendly and very tolerant in every way.

366 Q. If this proposed station be established would you be willing and desirious of using its facilities?—A. We would be very glad to use those facilities and take our share in giving material and time to that purpose.

Q. And in what way and to what extent would you be willing to cooperate?—A. Well in any way that would seem fair to anybody else. I believe I could broadcast a service now and then, and a social hour, and religious work, and broadcast a social service work. We would be glad to furnish the material and the organ recitals. We have a very fine organ.

Q. And you would be glad and willing to make your organ available for that purpose.—A. Yes; and then we have chorus work a good deal like the giving of oratorios, if the hour could be arranged. We give the Messiah every year and have fine soloists from Chicago, but that would be in the evening.

Q. And you always have chimes?—A. Yes.

Q. And they would be available?—A. Yes; and we would be glad to have them used. The chimes are very superior. I don't know of any town west of Chicago, except Denver, that has any chimes to equal St. Luke's. They are the finest we could get. They are a memorial. They are not used as often as I would like to have them, and people come to hear them. They are used on Wednesdays and Saturdays too, but they could be used on special occasions, if desirable.

Q. All right, Mr. Gilloon, you may cross-examine.

Cross-examination by Mr. GILLOON:

Q. In using the chimes, of course, it would be necessary to adopt remote control so as to bring the instrument to the chimes?—A. Yes. It would be. It would have to be some place outside of the building. In other words, before they could pick up the music of the chimes—perhaps across the street would be too close, I don't know. There is the Strand Theatre over there: that would be across the way.

Mr. LOVETT. That would be an engineering problem anyway.

367 Q. You are a member, Dr. Atchison, of the ministerial association locally?—A. Yes.

Q. And as such you have appeared on the Sunday morning services?—A. Yes.

Q. Broadcasted over WKBB?—A. Yes. We have.

Q. That service is broadcasted at 9 o'clock in the morning?—A. Yes.

Q. 9 to 9:30 on Sundays?—A. Yes; they have a committee of the Association to arrange a schedule so we always take our turn; it comes every two or three months.

Q. And that broadcast employs the availability of what talent?—A. Well, we have a choir and the organist and a choir; we always have—and we have a short meditation and a minister.

Q. And how long has that been carried on?—A. About two years.

Q. And are you acquainted with the religious service that is broadcast over WKBB on weekday mornings at nine o'clock; do you ever pick that up?—A. No. I don't believe I have ever tuned in on that.

Q. Now you say that the atitude of the Telegraph Herald has been very tolerant toward all religious matters here in Dubuque? I will ask you whether or not you have found anything to the contrary in the attitude of station WKBB?—A. No; not personally. I have never found any discrimination against anybody. All denominations are represented on their programs.

Q. And this time, from 9 to 9:30 on some mornings, is given to the ministerial association free of charge?—A. I believe it is. Yes, sir.

Q. Now is your son a member of the Chicago Civic Opera Orchestra?—A. Well he has sung with them and with the San Carlos Opera Company. There are three opera companies in Chicago calling themselves the Chicago Opera Company—one Chicago Civic and the Chicago Opera and the Chicago Grand Opera.

Q. May I ask you, Doctor, your son's adopted stage name?—A. Edward Molitore; that is his mother's name he adopted.

Q. Do you know if the opera company with which he is associated participates in the concerts rendered from Grant
368 Park in Chicago over the air?—A. Well I don't know as to that. I think that is a separate organization from any opera, as I understand it. The Chicago Symphony Orchestra is running that Grant Park affair.

Q. I believe I have the program from August 1st to September 7th?

Mr. Lovett. I object to this as entirely immaterial——

Q. Just to refresh your recollection?

Mr. LOVETT. To any issues here.

A. I know my son is not engaged in that.

Q. Do you know that the local station WKBB broadcasts these concerts from Grant Park, Chicago, over its station here in Dubuque between the hour of 7 and 8 o'clock each evening?—A. No. I didn't know that.

Q. You haven't listened in on it?—A. No.

Q. Have you listened to those programs over any other station?—A. Yes.

Mr. LOVETT. I object to this as entirely incompetent, irrelevant, and immaterial. We will be all night here.

A. Yes; I have. I know Mr. Weber very well and also Isaac Van Grove. I know him very well.

Q. State if you would be willing, Doctor, to offer these same services, programs, that you have mentioned without detailing them over the present station WKBB?—A. Well I am conforming to the program of the ministerial association and taking my turn at that hour whenever I am asked. I am willing to do so, certainly.

Q. I meant this enlargement of the program?—A. Well, I have never been approached on that subject.

Q. Well I mean if they were made available?—A. Yes; sure, I think so.

Q. I think that is all. That is all. That is all, thank you.

HUGH D. ATCHISON,
Witness.

ROY COMBS, called as a witness on the part of the Applicant, and after being first duly sworn by me as Notary, testified as follows:

Direct examination by Mr. LOVETT:

Q. Mr. Combs, if you will give your full name please, and your residence and occupation?—A. Roy Combs, Elkader, Iowa: County Agricultural Agent.

369 Q. Of Clayton County?—A. Of Clayton County.

Q. Mr. Combs, are you familiar in a general way with the plans of the Telegraph-Herald to establish a radio station to serve Dubuque and nearby counties?—A. Yes.

Q. Will you state what the attitude has been in the past toward farm problems so far as Clayton County is concerned?—A. Well, they have coöperated in a very good way; we have had the best coöperation.

Q. Now, if this station of the Telegraph-Herald be established would you be desirous of making use of these facilities?—A. Yes.

Q. It has been suggested that a daily program, one day to be

devoted to each of the six counties to be served by this proposed station, be carried on? Would you coöperate in the carrying out of such a schedule?—A. Yes; we will coöperate with you.

Q. And in what way would you propose to use the time devoted to Clayton County?—A. Well, we would put out timely information, such as contests and educational meetings, and announcements of contests like corn husking contests and county picnics that farmers are interested in, and anything that is timely and of interest to farmers of our community, especially along our farm programs. We will put out something there that will assist a great deal, because we have to resort to telephones and post cards and letters, and all that, and they don't always get them in time. I remember last winter, when things were not so favorable, they did not get them for two weeks or more.

Q. You are referring to special announcements?—A. Yes.

Q. Now, so far as a program for a day or a week is concerned, of 15 or 30 minutes, what use would you make of that?—A. In a daily program we would put on musical numbers, or talks, or educational topics that are timely. For instance, right now would be a very fine time to go on the radio and tell farmers about this fall's seeding that the drought has taken out, advising them "What should I do now? Should I seed alfalfa or clover?" There is a subject there that you could very well go on the radio and give them a lot of information.

Q. Are there any radio broadcast services available to you now? Is there any farm program received in your area now?—A. Only WLS, but that is general.

370 Q. Do you mean the National Farm Home hour?—A. Yes; but what I mean is anything that is applicable to this home territory or county.

Q. What are the agricultural activities in your county?—A. Well, our county is general farming with a leaning towards dairying; pretty heavy on dairying, hog raising, and alfalfa, and general farming, like northeast Iowa, and we give a lot of attention to legumes, and we have a couple of watersheds in the county where we are emphasizing the saving of the soil by seeding down alfalfa and clover and the like, and liming, and better location of crops—a general soil-building program that we are trying to carry out through our association—and we feel that an opportunity to give them this education would be quite a bit of advantage to us, especially when we are starting campaigns to set those up.

Q. Would you use the radio also in connection with Women's Farm Associations and 4-H Clubs?—A. Yes. For instance, our Chairman of the women's work would be glad to use it; she is quite active and she could present a program of the work they are

carrying out and do a lot of help, to the women of the county. The same way with the Chairman of our Girls' Club. Right now, if we had had the radio this morning, after the County Fair was over, we could have announced the winnings of our Baby Beef Contest and Calf Contest and Girls Demonstration Contest and the Women's Contest for Booths, and all of that. It would have made a nice report, but, you see, we have to relay it through the papers and many of them think it is kind of old by the time they get it, and things like that.

Q. Do these organizations also have musical groups that would be available?—A. Well, we have a farm bureau quartette and a farm bureau sextette and then we have a 4-H Club orchestra.

Q. Would you perhaps use those separately, or, in connection with your weekly broadcasts?—A. Either separately, or, in connection with our weekly program. We would want a varied program; we wouldn't want it all speaking. We have enough talent so that it would not bother much passing it around once a week, so we could have talent prepared to carry them on.

371 Q. Are any radio facilities available to you now that you know of for the type of program that you are suggesting?—A. No; we haven't any to cover us in a local way, except the south part of the State, outside of the general stations in Chicago.

Q. But nothing available for the kind of programs of which you are speaking?—A. No; we haven't any; only the one we tried down here at the Julien, at the hotel, but I came down here and had my people down here a number of times, but the station wasn't strong enough. My people back home reported they couldn't hear that station, and when our people stated they got no response, or couldn't hear it, we just quit. They haven't enough power to get it over the county and our folks didn't get anything out of it, and after a speaker came down here himself we didn't get anything out of it, so we just quit.

Q. That's all.

Mr. Lovett. You may cross-examine.

Cross-examination by Mr. F. D. Gilloon:

Q. Do they broadcast from WOI?—A. Yes; that is one of the general stations that I spoke of.

Q. And WHO at Des Moines?—A. Yes; we get all those general stations.

Q. They all come in with good reception?—A. Yes; the reception is good.

Q. And the numerous Chicago stations?—A. Oh, yes—WLS and WGN.

Q. And WSUI?—A. Yes; we get it, but not so much; the farmers generally pick their own stations and that comes in all alike.

Q. What is the mileage from here to Elkader?—A. Oh, about 60 miles, I would say—55 or 60 miles, I would say.

Mr. LOVETT: Road or air line?

Q. And how far is it from Elkader to the northern boundary of the county—Clayton County?—A. About 18 miles—straight north about 18 miles.

Q. And it extends about 20 miles to the west from Elkader?—A. No; from Elkader it is about 12 miles.

Q. How far is it from Strawberry Point down to Elkader?—A. Well, that is diagonal—that is 16 miles. That
372 is not west; it is southwest, and due west it would be about 15 miles to the Fayette line.

Q. How far would it be to the northwest corner of the county from Elkader?—A. That would be about 20 miles.

Q. Now, in explaining the facilities of the proposed station, what was said to you with regard to the radius in miles it would cover away from Dubuque?—A. What this power would be?

Q. Yes.—A. 500 watts; I believe would cover from 50 to 75 miles, I suppose.

Q. 50 to 75 miles?—A. 50 to 75 miles; yes.

Q. That is what was told to you?—A. Well, around 50 to 75.

Q. Well, I say, that is what was told to you?—A. Yes; I understood it.

Q. You are not a radio engineer?—A. No.

Q. And you wouldn't know the strength of these stations by the number of watts they carry of your own knowledge?

A. No; I wouldn't know about that.

Q. Soil Conservation Program, is that handled through your office?—A. Yes; it is in our office.

Q. And you have a Committee?—A. A County Committee; yes, sir.

Q. A County Committee?—A. And a County Bureau.

Q. And your Committee and Bureau deal directly with the farmers in contacting with them in regard to conservation?—A. They are in charge.

Q. They are in charge?—A. Yes.

Q. And with your township representatives?—A. Yes; Township Committees as well as County Committees.

Q. And in that work information is carried to the farmer pretty well in regard to it? It follows on after the steps of the AAA?—A. Yes; pretty much. Of course, what we get to them we have to send out in a letter, or, after a meeting, and explain it.

Q. Do you operate under a frank?—A. Yes.

Q. And frank envelope?—A. Yes; that is, as long as we meet the requirements. There are certain things you cannot send by a frank.

Q. Well, when you are dealing with the United States governmental matter coming out from the Secretary of Agricul-
373 ture's office in connection with the Soil Conservation Program, then you are authorized to use the frank?—A. Yes.

Q. Is there a station at Decorah?—A. Yes, I believe there is, but I don't believe I have ever heard it.

Q. How far are you from Decorah?—A. Oh, it must be around 55 miles, I should judge. I don't know how large that is, but we hardly ever hear it.

Q. Assuming, Mr. Combs, that the proposed station will not have effective radius where good service would be enjoyed beyond 40 or 50 miles from Dubuque—If that were so, would it serve your purpose for the County of Clayton?—A. If it were 40 miles it would reach about one-half of the county. I would say it would have to go further than 40 miles to reach the outlying edges of it.

Q. Now, in this proposed weekly appearance of yours over the air do you contemplate making a drive to Dubuque to utilize the time?—A. Yes, we will. That is, I am not coming in every time, but somebody will have to come, or, send down the material. Now, I wouldn't say I would come every time myself because I wouldn't have the time, but I can send somebody, or, send the material so they could put it out for us, because one fellow would have to go down every time himself and that is too much of a good thing, but we would have somebody to substitute or pinch-hit on that proposition and schedule this in advance, so we would know a month ahead what the dates were, and what we were going to put on and who was going to do it. Then there wouldn't be any conflicts after we had it lined up.

Q. And what hours do you understand would be available?—A. Well, I would say—I don't know just how their schedule is, but most of the boys figure on from 12:00 to 1:00 would be the best hours for the farm broadcast. We could have from a quarter to five until five, but then farmers are not at home. Meal time is when you would have to catch them.

Q. Well, how is the supper hour, or after?—A. Well, I would rather have the noon hour than the supper hour, altho that is better than in between meal-time, but there is very little variation between the farmers. The noon hour is more punctual and they are more apt to be at home. Then about 12:00 to 1:00 would be the best time.

374 Q. About what hour does the State College at Ames use?—A. Well, I believe that is some time in the morning—8:00 or 8:15 I believe.

Q. Do they use the noon hour at all?

Mr. LOVETT. I object to that as entirely immaterial and getting far afield here.

A. They may have a noon hour broadcast. I don't know whether it is in the morning; they may have one at noon.

Q. In your work do you work in touch with Ames College?—A. Absolutely. I get letters every day practically—sometimes more than I can read.

Q. Don't you avail yourself of that benefit?—A. I am not always home at noon. I leave in the morning and I get my lunch wherever I happen to be. If I am home I have the radio on. The National Home hour is on then.

Q. What hour?—A. It is around 12 or 1 o'clock. I think it is 11:30 to 12:00 or 12:15—somewhere in there.

Q. That's all.

Mr. LOVETT. All right, that's all.

Witness excused.

ROY COMBS, *Co. Agent.*

Mr. L. WALTER DICK, called as a witness on the part of the Applicant, after having been first duly sworn by me as Notary, testified as follows:

Direct examination by Mr. LOVETT:

Q. Give your full name, please, Mr. Dick, and your residence and occupation.—A. L. Walter Dick, residence Dubuque, Meteorologist United States Weather Bureau.

Q. Are you familiar in general with the plans of the Telegraph Herald to establish a radio station to serve Dubuque and nearby counties?—A. Yes.

Q. If this station be established and its facilities offered to you, to what extent will you be willing to use those facilities for the dissemination of weather reports?—A. I will be pleased to furnish the station with the same measure of cooperation that is regularly given to radio stations elsewhere by Weather Bureau Officials. We will furnish any information that is
375 available in our office for broadcast purposes on regular schedules, particularly which primarily constitutes a forecast of weather conditions.

Q. If this station be established and if the Telegraph Herald maintains a line to your office for the purpose of having a broadcast emanate from your place?—A. That system is approved by the weather bureau upon condition that no advertising be associated with the broadcast of weather information.

Q. Has the Telegraph Herald proposed to follow this procedure in this case in the event they are permitted to establish a station?—A. Yes; that is my understanding.

Q. Now, would you be willing to broadcast a forecast from your office if the facilities were offered you?—A. Yes, during regular office hours.

Q. Will you state what program you would follow?—A. I suggest a broadcast of the local forecast at 9:45 a. m., daily, except Sundays and holidays, and a broadcast of local and the Iowa, Illinois, and Wisconsin State forecasts; a summary of weather conditions and river forecasts during the noon hour, about 12:30; and possibly in the latter part of the afternoon, about four P. M., such information could again be broadcast from our office, and I suggest also that about six P. M., the studio might broadcast the local forecast as a repetition, not later than six P. M., but as late in the afternoon as the station would still be on the air.

Q. That would be just before your office closes?—A. Yes, sir. I want to add a bit there. This office of the Weather Bureau will furnish to the studio a copy of the regular publications so the copy will be available to the announcers at all times, as soon as possible after publication.

Q. Now state whether or not you believe that this broadcast direct from the—from your office, either by you or by one of your assistants, would be advantageous.—A. It would save time for us and the studio, I believe, in the case of the earliest broadcast which would be shortly after nine A. M., because that would make it possible to disseminate the forecast by broadcast practically as soon as it is available without having to wait for a messenger to carry it to the studio. Transmitting it to the studio by telephone would increase the danger of errors creeping in by the operator copying it down, because at that hour
376 we are quite badly rushed with trying to get our publication ready for the mail.

Q. Do you believe it would be more effective so far as the listeners are concerned?—A. I believe the general public would be more willing to accept the information so received as official if it was announced as coming directly from the Weather Bureau Office;—without any particular instances in mind, I do know that there have been cases in which there have been broadcasts of mis-information regarding the weather, and that has tended to discredit the information as broadcast from other stations.

Q. Now, if the microphone were available for your use in your office at all times, would you make use of it for emergency broadcasts?—A. I would like to; yes.

Q. Of what advantage would that be?—A. The same advantage as I mentioned before; in that we could make the information available to the public more promptly than by other means; it also retains the stamp of official character of the information, and I believe that it receives the attention of the public more readily if something of that sort is broken in on the broadcast as emergency warnings of that sort usually are in this respect. I have in mind particularly warnings of cold waves and frosts.

Q. Are you disturbed very much now by telephone calls, which might be obviated?—A. In extreme weather, or weather of extreme cold we do have a great many telephone calls, and I can cite one case last winter in which we were delayed two hours beyond the usual time of mailing our weather maps, largely because of the large number of phone calls. Our weather maps are usually in the mail by 9:45, and on that occasion most of them were in the mail by 11:45. Phone calls during severe weather in winter frequently will reach a rate of—I am afraid you may not believe some of these figures, but as high as six to ten or twelve a minute.

Q. And do you feel that a great many of these phone calls might be obviated if you could step to the phone and broadcast?—A. If we could broadcast it directly, or they would, over the phone; I believe if we could broadcast direct, it might be more effective.

Q. Where is the nearest Weather Bureau to Dubuque?—A. The nearest Weather Bureau stations are located at
377 Davenport, LaCrosse, Madison, Des Moines, Chicago, and Charles City.

Q. So these broadcasts of which you speak would be of benefit to an area beyond Dubuque County?—A. Yes, sir; that would serve a community which I feel sure is not adequately served by broadcasts that may be made from stations located where there are other nearby weather bureaus' offices.

Q. That is all. You may cross-examine.

Cross-examination by Mr. GILLOON:

Q. The Weather broadcasts come into this territory over the radio from the Des Moines Station, Chicago Stations, and the Madison station?—A. Yes; there are broadcasts from those stations received here.

Q. Yes; and now do you know how the weather readings at Charles City are related to a broadcasting station?—A. I do not know that they are. I cannot say that they are or are not.

Q. Do you mean those are stations where readings are taken?—A. Those are stations where weather records are made.

Q. Are weather records made here?—A. Yes.

Q. To cooperate with these other stations?—A. Yes.

Q. You are one of the circuit, at Dubuque?—A. Yes; this is one of the regular United States Weather Bureau stations with regularly commissioned personnel.

Q. And this territory then, with these regularly commissioned Weather Bureau stations, are located at Davenport, Chicago, Charles City, Des Moines, and Dubuque; is that what you meant to say?—A. Yes.

Q. Weather stations?—A. Yes; those are Weather Bureau stations; yes. In mentioning those I had that thought only, in mind. I did not have in mind that the weather service from those stations is broadcast from all of them.

Q. The Chicago stations give the general weather conditions over Iowa, Wisconsin, and Illinois?—A. Yes; the future forecasts.

378 Q. Yes. And was that what you had in mind with reference to the noon hour, 12:30?—A. In addition to the local forecast service.

Q. You would repeat the local at noon?—A. I would repeat the local at noon, and also add the other.

Q. And later; in the later part of the afternoon?—A. That would be—my recommendation on that would be a repetition of the local forecast only.

Q. At six P. M.?—A. Local forecast.

Q. And local in the morning at nine A. M.?—A. Yes; the one at nine or 9:15 A. M., I would suggest should be somewhat amplified beyond the wording ordinarily used in our publications, and as given later in the day and as regularly published in the newspaper.

Q. Now, how do you get to your office the readings throughout the territory, with which you make up your chart?—A. They are received in code by telegraph.

Q. By telegram?—A. Yes.

Q. And what time do you have that made up?—A. That information is usually nearly all in our hands by 8:15 or 8:30, and is not all decoded until about nine o'clock—decoded, summarized and studied.

Q. Now what information is broadcast over the local station WKBB?—A. The latest schedule which we have on file calls for a broadcast about 9:30, of what is known as "A shopper's forecast," which is framed to give a forecast of the current afternoon and night of the current day, weather and temperature. About 12:30—shortly before 12:30 they regularly are scheduled to broadcast the local forecast, forecasts for Iowa, Illinois, and Wisconsin, the summary of weather conditions; and they usually also

include a brief statement of some of the high lights of the river stages and the river forecasts.

Q. That comes under your jurisdiction?—A. Yes; that comes directly from the weather map published in my office, a copy of which is furnished to the radio station. At six P. M., the local forecast, only Dubuque and vicinity is usually repeated.

Q. Now during extreme spells of weather state whether or not the information that is secured at your office is broadcast regarding extreme heat and extreme cold?—A. The station has made it a habit to call my office at frequent in-
379 tervals for temperature readings and to supplement that when my office is closed from readings from their own thermometer which is sheltered, a thermometer shelter, which is similar to the type of thermometer used at air-way stations or airports and they amplify that with what they get from the studio and those they get from our office; they regularly announce as the official temperatures.

Q. They have—WKBB*—attempted to cooperate with your office?—A. Yes, they have given us very good satisfaction in a general way. Of course, it has not been possible for me to check up on all of their broadcasts——

Q. No.—A. ——but in those instances in which it has been possible to, the cooperation has been very good.

Q. The only suggested improvement would be remote control from your office?—A. Yes.

Q. What I mean by that, is a wire running into your office?—A. Yes.

Q. I think that is all.

L. W. DICK, *Witness.*

Mr. THOMAS J. RYDER, called as a witness on the part of the Applicant, after having been first duly sworn by me as Notary, testified as follows:

Direct examination by MR. LOVETT:

Q. Will you please give your full name, address, and occupation? A. Thomas J. Ryder, Sheriff of Dubuque County, Dubuque, Iowa.

Q. Sheriff Ryder, are you familiar in general with the plans of the Telegraph Herald to establish a radio station to serve Dubuque and nearby counties?—A. I am.

Q. If such a station be established and its facilities freely offered to your Department, to what, if any, extent would you make use of them? A. Well, I would like to arrange a weekly broadcast pertaining to law enforcement and so forth. And, do you want me to go into this, about this organization?

Q. Yes; any illustrations that might help.—A. I have started an organization in the county, that is, I have got
380 about fifteen units organized. At this time it is my intention to call the president and secretary of the individual units into the city here and have them select their officers for the Dubuque County organization. This organization is organized for the sole purpose of protecting the farmers' personal property. In the last year or two, due to the increase in farm products there has been considerable thievery. In fact, they have gone so far as to organize gangs whereby they will move into a certain community and steal from nine to fourteen or fifteen steers, or maybe twenty or thirty hogs; and that is the reason for this organization. In my talks to the members of this organization, I talked to them relative to always being on the alert and if they saw any suspicious cars or trucks or individuals in their vicinity, and if their suspicions were aroused to the extent that they felt these individuals were there for no good purpose and no good reason, to call the Sheriff's office. I have also got the organization perfected to the extent that about the 1st of September; from about the 1st of September on, in each community or each unit will designate about one man out of every ten to sit up at night and sort of patrol that immediate vicinity. Therefore, that will take care of the entire county by so doing. If we had the facilities as suggested to me here of this Telegraph Herald radio broadcasting system, if there were cars or trucks out in any byroads or side roads and the farmers saw them loading up some stock and had reason to believe that they were stealing this stock and they called me, it would be very beneficial to me as Sheriff and also to the community if we had ways and means to put same on the air to try and apprehend the criminals. A great many times there is major crimes committed in some certain section of the county, and it would be a fallacy for the Sheriff or any law enforcement officer to try to go out there and catch them, because the Sheriff or the law enforcing officer or the law enforcing bodies could not hope to be able to catch them, due to the fact that they would have from ten minutes to a half hour or an hour start; but if we had radio facilities and this information was brought to the attention of the law enforcing officer, he could put it over the air and it would save the
county considerable expense, whereas we are using the
381 long distance to a great extent, necessitating considerable expense to the county and not gaining our objectives half as well as if we had the use of the broadcasting station.

Q. Have you enlisted the aid of the Sheriff in adjoining counties to apprehend these violators?—A. We do when we put in these long-distance calls.

Q. So you could reach the adjoining counties by this radio facility instead of using the telephone?—A. Yes.

Q. You are speaking particularly of the emergency uses to which you would put the facilities?—A. Yes, sir.

Q. Now, for your regular weekly broadcasts?—A. Well, relative to a weekly broadcast, I would try and have something worth while. I have, once a week, to instruct these men to be on the alert; and as to what has happened in other sections of the state. and as to what might be anticipated here.

Q. And safety campaigns, would you dis'eminate warnings as to dangerous crossings and so forth?—A. Yes; for the hit and run driver it would be a fine thing to have something like this. You would have the concerted effort of the populace, and they are going to try to notify the officers, and if he is going north, they are going to be out looking for him.

Q. I presume you would also cover automobile accidents and warnings as to suspicious characters as check passers, and the like?—A. Oh yes; yes sir.

Q. I believe that is all, Mr. Gilloon.

Cross-examination by Mr. GILLOON:

Q. Sheriff, what facilities are provided by the Iowa Department of Investigation under the jurisdiction of the Attorney General's Office for the purpose of broadcasting information relating to law enforcement at the present time?—A. They broadcast all major crimes. We haven't been able to get the service that I feel we are entitled, due to the fact that our service isn't there.

Q. You are equipped with—you and all other Sheriff's offices you understand it, is equipped with a radio receiving set?—A. Yes, sir.

Q. To give you the information that is broadcast by the radio station maintained by the State of Iowa Department of Justice?—A. Yes.

382 Q. And when crimes are committed and the criminal is fleeing, in an effort to apprehend him it is your duty to relay that to this station for announcement, is it not?—A. Yes.

Q. And in connection with this set-up do you understand that the police departments in the State of Iowa and the Sheriffs' offices in the State of Iowa are equipped with receiving sets constantly set for the reception of that information?—A. Yes, sir.

Q. And that service is always available in the State of Iowa?—A. Well, that all depends, Mr. Gilloon; as I stated before, we haven't been able to receive that information. When they came here and installed our service for us; the service was so poor

it was absolutely useless, and no good to us. The County went to the expense of building an a'rial and its cost them around $90.00 for the a'rial alone, and it was money just thrown to the winds; and we received no benefit whatsoever; up to the present time we are in about the same fix. The City of Dubuque, likewise the County of Dubuque, are on a hook-up arrangement; we are paying $13.50 each, to the Bell Telephone Company up here, whereas they have got the receiving set up here in the Fire Enginehouse, that comes into the Fire Enginehouse and is relayed to the telephone office and from there it is shot down to my office, as well as the Police Department. Now, I don't know how they are receiving up there; I don't know. They may be getting good reception; but we are not.

Q. Did you take it up with an individual at the Department of Justice?—A. I took it up with Mr. Brown, and he told me he would have somebody up to look over the set—and I think it is an R. C. A., whether this set is defective or not, I don't know.

Q. How long have you had it in your office?—A. Well, we have had it there—I wouldn't say for sure; maybe eighteen months.

Q. Have you informed the Department of Justice?—A. I informed Mr. Brown at——

Q. Who is Mr. Brown?—A. He is head of the radio broadcasting for the State of Iowa.

Q. And, where does he have his office?—A. Well, I took it up with the Department of Justice; to Mr. Brown, and I did—I addressed it to the Department of Justice, Des Moines.

Q. When?—A. I would say a month ago.

Q. And you continued having defective service for fifteen and a half months?—Well, this new set-up has been in about possibly ten months.

Q. Have you ever taken it up directly with the Attorney General under whose supervision it is?—A. No.

Mr. Lovett. I object to this as entirely incompetent, irrelevant, and immaterial.

Q. Have you? I want an answer.—A. I answered no.

Q. Have you ever done so?—A. No.

Q. How long have you been Sheriff of Dubuque County?—A. About three years and a half.

Q. And you have sorely felt the need of efficiency in that system?—A. Yes, sir; and we have complained, Sir; and so has the Police Department complained.

Q. I move that be stricken out as hearsay, what the Police Department did. Have you ever availed yourself of the facilities of the local, WKBB, station?—A. Yes, sir.

Q. How often have you appeared on that station?—A. As to broadcasting?

Q. Yes.—A. Personally?

Q. Yes.—A. I have never appeared there.

Q. In what way have you used the facilities?—A. We have notified them; called them up and asked them if they would broadcast at different times for us.

Q. When you had some emergency matter or some criminal you wanted to apprehend?—A. Yes.

Q. Well, what was the occasion?—A. Different occasions that might arise; apprehension of criminals or someone that may have been lost.

Q. Did you receive cooperation?—A. I did.

Q. Was their attitude right on it?—A. It was.

Q. Is there any reason why you could not contact these different units of your organization by broadcasting your information at some stated particular time so that they might be on the air to hear it?—A. Not if it was extended to me, certainly no.

Q. Has it ever been refused to you?—A. I have never refused it, nor have I been honored by having a request from them.

Q. Do you remember an occasion, with Mr. Carpenter, when the party went over to Freeport, Illinois, to welcome
384 the Black Diamond train to Dubuque?—A. The Green Diamond, yes.

Q. Do you remember having a conversation with Mr. Carpenter at that time?—A. I think I had two conversations with him, if I am not mistaken.

Q. Didn't he tell you he was willing to extend the facilities of the broadcasting station to you?—A. They did extend them to me insofar as making those announcements.

Q. And in making announcements for the apprehension of criminals?—A. Yes, sir; they did that.

Q. You have never made known the time you desire to appear weekly on the air with a short talk on law enforcement, have you?—A. No, sir.

Q. If the local facilities are made available to you, will you use them for that purpose?

Mr. LOVETT. I object to that as based on an unwarranted assumption.

Q. Will you?—A. Yes, sir.

Q. You know that they maintain a station in the Julien Hotel in the City?—A. Yes, sir.

Q. Or rather, a studio?—A. Yes, sir.

Q. When are these crimes usually committed, of stealing steers and hogs in the county? Is that in the daytime or is it a night-

time operation?—A. I don't know, Mr. Gilloon, as I stated as there were any hogs or steers stolen here.

Q. I thought you said——?—A. I said my organization was organized for the purpose of preventing that. It has happened throughout Iowa.

Q. I thought you said there had been thievery of steers and hogs in this county?—A. Not in this county; no, sir.

Q. When does it happen in the other counties; is it a day or nighttime operation?—A. Well, that would be hearsay; I couldn't answer that.

Q. What do you understand?—A. I understand, Mr. Gilloon, that those things take place at night.

Q. And it is at night that you would want the radio available to apprehend the criminal?—A. Mr. Gilloon, most of the time I don't know that until the next day.

Q. Yes; but if your fifteen units were in operation and you had one out of ten members patrolling the road constantly at night and they should see the truck going by, or load up in a farmer's yard, then the knowledge would be brought to you, would it not?—A. Yes, sir.

Q. And then, it is at that time and at that hour that you would desire to employ the radio?—A. Yes, sir; it would.

Q. Do you understand the hours that have been applied for by this Telegraph Herald Station?—A. Yes, sir.

Q. What are they?—A. From 6:30 in the morning to sunset.

Q. And many months of the year the sun sets as early as five o'clock?—A. That is right.

Q. And sometimes earlier; at 4:15?—A. Well, I don't know.

Mr. LOVETT. That is a matter of official determination.

Q. When would you consider the best hour for broadcasting to contact the members of this proposed organization that you have?—A. I would suggest that the noon hour would be about the best.

Q. The noon hour?—A. Yes.

Q. And when would be the best hour for your talk on law enforcement?—A. On what?

Q. Law enforcement.—A. Sometime during the noon hour, I would think.

Q. What would you think about the supper hour, or following it?—A. The Supper Hour; no, the noon hour is the set time on the farm. The supper hour doesn't mean so much. There is a supper hour, but what time is it? Some of them will do their chores first and others will eat and then do their chores.

Q. Did you discuss that matter with Mr. Lovett?—A. As to what would be the best time?

Q. Yes.—A. No; I did not.

Q. According to the proposals that have been made here, it is proposed to the farm agents on during the noon hour; that would be likely to deprive you of that opportunity?

Mr. LOVETT. You better qualify that to the time the County Agents were going to take; they would not take an hour!

Q. It is in the record to work them in into the noon hour, and various educators into the noon hour; and it is also proposed to work the Weather Bureau announcements into the noon hour——

Mr. LOVETT. The record will speak for itself.

Q. And various musical programs. Now, could you, if that were done, select any other hour, such as an evening hour, to make your talk?—A. As good as the noon hour?

386 Q. Yes.—A. Not in my estimation; no, sir.

Q. What would be the second best?—A. Oh, possibly 6:30; but I wouldn't consider that.

Q. You say you wouldn't consider that?—A. No; I wouldn't consider it; no.

Q. For your talk?—A. No.

Q. If you couldn't get the noon hour you wouldn't talk, is that it?—A. Certainly. Sometime during the noon hour.

Q. Then, by the noon hour, you mean from twelve to one?—A. That is right.

Q. Are your cars used in the Sheriff's office equipped with radios?—A. We don't have any cruisers.

Q. Well, you have cars that go out, whether they are cruisers or not?—A. Yes.

Q. Are those cars equipped with radios?—A. No, sir; they are not.

Q. I will ask you if Mr. Carpenter didn't offer you service of broadcasting anything that you might have at any stated hours so that your deputies who might be away from the office in different parts of the County, if equipped with a radio set, could pick it up and be looking for it?—A. If he did, I don't recall it. Well, now, he may have; I wouldn't say as to that. They have been very fine to us; I will say that. They have broadcast everything we have requested.

Q. And you would be just as willing to broadcast this information and your noon day talk on law enforcement over their station as over the station of the Telegraph Herald?—A. Yes, sir.

Q. That is all.

Redirect examination by Mr. LOVETT:

Q. Mr. Ryder, this thievery you mention having taken place in the night time; what time of the night does that take place?

Mr. GILLOON. Object to that as calling for an incompetent conclusion, and hearsay.

Mr. LOVETT. You said it took place at night, and I asked him what time at night.

Mr. GILLOON. Well, that is all right if he can answer on his own personal knowledge, or from some reliable report.

387 A. Well, I could, perhaps bring up the bulletins from the Iowa State Department to verify that statement; but it might happen at any time at night; but if you are asking for an answer from me in the way of a guess; I wouldn't say one hour; but I would say from 1:00 to 3:00.

Q. After midnight?—A. Yes.

Q. Are you familiar with the fact that the local station signs off after eleven o'clock?—A. No, sir; I am not familiar with that fact. I don't know what time.

Q. That is all.

THOMAS J. RYDER,
Witness.

4 o'clock P. M., August 24, 1936.

Rt. Rev. Msgr. THOMAS CONRY, called as a witness on the part of the Applicant, after having been first duly sworn by me as Notary, testified as follows:

Direct examination, by Mr. LOVETT:

Q. If you will please give your full name?—A. I have only one, first, Thomas Conry.

Q. Your residence and occupation?—A. Residence, Columbia College, Fourteenth Street, Dubuque.

Q. And your occupation?—A. Well, as far as the College is concerned, Administrator——in other words, President.

Q. Msgr. Conry, will you please tell us something about Columbia College; its departments, and what type of institution it is?—A. Well, it is a denominational college under the auspices of the Catholic Church, and the Archbishop of Dubuque is supervisor and the chairman of the board of trustees, and then it is a liberal arts college highly accredited, and is not only accredited by the North Central but the American Association of Colleges, or Association of American Colleges rather, and it is also approved by the American Association of Universities. It is a very unusual thing for a college of our student membership—I was going to say of our size—which means the same thing. And what else would you like?

Q. Your various departments—music and so forth?—A. Yes. Well, it has all the departments found in a liberal arts
388 college. Music is not a regular department, but music has been highly cultivated and our College has won national distinction especially by its vested choir. And then it has all

the departments, usually—well that is down, you don't need to repeat that. Then there is an academy too, which is highly accredited and stands among the best, boarding, well it isn't only boarding, it is a day school as well as boarding. I suppose under the music you might put down there that both the College and the Academy each has a band. And would you want anything more in detail?

Q. Will you mind telling us briefly from what area your College draws its students?—A. Well, from Iowa principally and then from the surrounding states, such as Wisconsin, Illinois, Minnesota, Nebraska, Missouri, and the Dakotas, and a limited number from the far west, and from the far east; in this country.

Q. State whether or not a substantial number of your students come from a radius of forty to fifty miles of Dubuque?—A. Yes; a very substantial number comes from that radius.

Q. Msgr. Conry?—A. Pardon me, and also in recent years and for many years a number from Porto Rico.

Q. Are you familiar in a general way with the plans of the Telegraph Herald to establish a radio station in Dubuque to serve this general area?—A. Yes; I just showed you some jottings I put down when Mr. Kane called me the first time, and not only am I familiar, but the administrative officers I called to discuss this with them before I gave an answer.

Q. Now if the Telegraph Herald be successful in its efforts to establish this proposed station, to what, if any, extent will your College be interested in helping with programs?—A. Utilizing the station generally. Well, I couldn't tell that definitely. I can't answer to any degree that it would, but it would cooperate and I think the number of times would have to be worked out after I get the whole faculty together and present the case to them.

Q. Would you be interested in a regular broadcast from this proposed station?—A. What do you mean by regular?

Q. Well, on a certain day or certain days?—A. Well, personally, I would be, but I wouldn't want that to go down in the record as final just now until after I see.

389 Q. It would have to be worked out in detail with your administrative council?—A. Yes. You see I can't discuss this. I want this to come before the whole faculty because every member of the faculty would be especially interested because they may want to broadcast some of their subjects, and I can't have that until sometime in the latter part of September because we don't open until the middle of September.

Q. But the point is you will be interested in using the facilities and you personally hope to make use of them, but the details will have to be determined?—A. Yes. Yes. That is it.

Q. Will you state of your own knowledge what the attitude of the Telegraph Herald has been and is now toward education generally and particularly toward the activities of your College?—A. Well, it has been very courteous always and very liberal, that is in advertising our College in a news way, and I can say I think the same thing for the other educational centers of the City, but I am speaking, of course, only for ourselves.

Q. Now, if this proposed station be established, you would be interested in using it? I am speaking now of your own personal opinion. You would be interested in using it for special occasions as well as regular broadcasts?—A. Yes.

Q. That is all.

Cross-examination by Mr. GILLOON:

Q. Msgr. Conry, in this matter of taking depositions, I am representing the local station WKBB who are intervening in this application for another station.—A. They are intervening, you say?

Q. They are intervening and in opposition to it, and that is my purpose in appearing and cross-examining you.—A. Yes.

Q. For the record. Now Monsignor, you said that the plans of the local station were explained to you by Mr. Kane of the Telegraph Herald sometime ago?—A. Yes.

Q. And that you jotted down some data at that time?—A. Yes; some notations.

Q. And then wasn't later a further explanation made as to the plans of the station?—A. No.

390 Q. Now what was the outlined plan as made known to you upon which you have predicated your answers?—A. Well, he was speaking there rapidly, and I jotted down a few things, and here they are. I didn't suspect that I was going to have to present these to anybody else, except to the council up there, and there may have been a few things I didn't put down, but they would not be so important. The Telegraph Herald has made application for a 500-watt station. Application must go before Radio Commission in Washington. Interest in educational and cultural programs. Commission wants them to show that educational and musical institutions are interested and would take advantage of the station, if built. And then I put down parenthetically music and talks. And then the question was, "Will you cooperate and use its facilities?" and the answer I gave after consultation with the administrative council was "Yes," and then I asked how often the broadcasts would take

place. Mr. Kane answered "He didn't know at that time." And then "How far it would carry" was a question asked, and it would carry, he thought, seventy-five miles. Well, then I asked him whether he fathered that information. But I don't know whether the other educational institutions were cooperating, and he said they are, and I mentioned the Ministerial Association and also public schools, Wartburg and the University of Dubuque, and Clarke College. And then the last notation was: No financial obligation.

Q. Now, Msgr. Conry, when you inquired with reference to how often the——A. Broadcasts would take place?

Q. Yes—broadcasts would take place; you meant of the material that you would supply?—A. Well, I wanted to know so that we could adjust ourselves to the general program. What I wanted to know especially was how often we might be expected to appear.

Q. And you are of the impression that the broadcast would carry to a radius of approximately thirty-five miles?—A. Well, that is what he thought at the time, but I don't think he said it was definite. That was Mr. Kane's impression, I think.

Mr. LOVETT. I object to that as immaterial. That is a matter to be determined by the engineer.

Q. Have you, Msgr. Conry, ever availed yourself of the facilities of the present local broadcasting station WKBB?—
391 A. Yes; the College has. I wouldn't be able to say just how often, but I know at certain times the College has broadcasted. I wasn't consulted with regard to any of these specific programs because I don't think we broadcast on any special occasion. The last I heard there was to be a five minute broadcast concerning the Prom on the evening of the commencement, but they have broadcast at other times. But I couldn't tell you specifically what the programs were that were broadcast.

Q. Would you say that they have exhibited an attitude of cooperation?—A. Yes; so far as I know they have. I think they are glad to broadcast. They didn't come to me very often, but I think it was Father Peters and Father Long that they dealt with most in regard to these things.

Q. Father Peters is the professor that deals considerably with radio at the College?—A. Yes. I would almost say that he is an authority, he is a very remarkable man in that field. Recently the Bishop of Helena, Montana, brought him out to install a loud speaker system in his place, and the speakers couldn't be understood until this device was installed. And, by the way, that Bishop of Helena was in today and yesterday and he told me that it was a marvelous piece of work and they were very grate-

ful and wanted to tell the Archbishop of Dubuque how great a success it was.

Q. In connection with broadcasting educational talks and educational matter prepared by the different priests who are professors at the College and Academy, if the administrative board and the professors were willing to cooperate, would you be agreeable to a plan of furnishing the same talent to the present local station WKBB if it were open?—A. You mean the same material?

Q. The same type of material.—A. I certainly would and I think our council and our faculty would, too.

Q. The vested choir has appeared on the local station, has it not?—A. Let's see? I don't know that it has.

Q. I believe we have it in the record from Msgr. Wolfe.—A. That it appeared? I wouldn't remember that it did this year, and the last broadcast that I remember of the choir was up at some place at Waterloo, and then a year ago it was hooked up in the national hook-up, I couldn't say ex-
3927 actly: but about two years ago on the occasion when the Archbishop also spoke I was out of the City some place: but now, it is very probable that they did broadcast this year sometime. But I can very easily verify that.

Mr. Lovett. The record speaks for itself anyway.

Q. Do you remember the local WKBB giving you a hook-up by remote control at the College when the Ninth National Convention of Catholic Students' Mission Crusade was held?—A. Yes.

Q. Under the local supervision of Msgr. Wolfe?—A. Yes.

Q. I don't know——A. Well he was one of the first organizers, he and Father Steffens had charge of that, and he represented the Propagation of the Faith.

Q. You recall there being a local hook-up at that time through the local station?—A. Yes.

Q. I think that is all.—A. You were speaking about some of these broadcasts. Now there was a deal of broadcasting done, but I believe the Mississippi Singers under Father Kelly: that was some of our College students and some past College students, and there might have been some others, but I don't think that was regarded as a distinct college activity.

Q. That was over the local station?—A. And they did that many times.

Q. Father Kelly is quite musically inclined?—A. Yes. He has quite a lot of talent in music and we are sending him away next year to study at Iowa.

Q. I think that is all.

Redirect examination by Mr. LOVETT:

Q. The data which you had jotted down and to which you referred a little while ago was the data which you presented to the administrative council?—A. Yes. I had this very thing before them, this very thing. I had my stenographer just run it off quickly and I was surprised when it was made out, she had it all correct except I think the word "advantage", and I think advertising she had said, and I told her it was "advantage", "to good advantage." I got the votes of all. One man was leaving the city and I put it before him hurriedly and he said it was O. K., and they weren't all there but most of them were and
393 as a matter of fact those that would be most apt to be consulted were present.

Q. So that it only remains the matter of working out the matter of the program in detail?—A. Yes.

Q. That is all.

THOMAS CONRY, *Witness.*

4:45 o'clock P. M.

Notary Public. Hearing adjourned until 7:30 o'clock P. M.

7:30 o'clock P. M., August 24, 1936.

H. R. BRUNNEMEYER, called as a witness on the part of the Applicant, and after being first duly sworn by me as Notary, testified as follows:

Direct examination by Mr. LOVETT:

Q. Please give your full name, address, and occupation—A. Henry Raquet Brunnemeyer; Farm Advisor (as they call us over there) in the Agricultural Extension Service, in connection with the Jo Daviess County Farm Bureau and the Experimental Station at Illinois of the United States Department of Agriculture, at Elizabeth, Illinois.

Q. Mr. Brunnemeyer, will you state in general the activities of your office?—A. Well, I am employed by the County Bureau of Directors, and work with farmers and young people of Jo Daviess County in the matter of agriculture extension chiefly. Do you want something of our program, or, just that in a general way?

Q. Well, just in a general way? Can you give me the number of farms in your county and the type of agricultural pursuits followed?—A. Our farming is chiefly dairy, with a good bit of diversity along with that, such as hog raising, sheep farming, beef cattle, poultry, and the raising of hay is one of our chief industries in Jo Daviess. We are not a grain-producing area. We do produce some wood; we have considerable wood lot area. Our farmers recently—I think we have something like 2,100

farms in the county, and we service through our member-
394 ship about just approximately one-third. We have in our county—we have a $15.00 membership proposition that helps to finance the organization with State and Federal funds. We do not receive any money from the county. We in our general work—we service any farmer that asks for service, and specifically service the members of our organization. Of course, my work takes me into 4-H Young Adult work. We have a separate organization for young people that we call our Young Adult organization and that takes in the ages of 21 to 30, people between the 4-H age and the age actually taken over farming operations. I might mention I listed some of the things here; I only have a part of them. Our Dairy Herd Improvement Association work; music and drama work, with adults and young people working in cooperation with the CCC Camp. We have one camp in the county, a colored camp. We work with reforestation and the Forestry Service, both State and National, and, of course, at present we are right in the midst of this new Soil Conservation Service. One of our major projects this year has been along with insect control work. We have the problem of controlling—or trying to at least—the white grub situation, and there was considerable damage this year with grasshoppers, and as we are quite a hog-producing area we get into the sanitation and vaccination service, and selection of pure-bred stock, etc. Then, of course, in connection with the State and National service we work with the Emergency Seed Loan set-up, a farm loan service, and then we have our lime and phosphate program. In our own office we do considerable testing of lime rock. We have a natural abundance of limestone in our county; a good many quarries and local crushers, and you can see from that that we do considerable lime-rock testing to find out what the calcium content of this rock is, and then we work in cooperation with our Home Bureau. That is another organization set-up primarily for women and girls, and then we have our cooperative marketing of livestock; that is a separate project set-up under its own township and county committees. We have a township committee that looks after this particular project—one in each township—that takes in the marketing of livestock through cooperative channels, and then we have two cooperative creameries. Of course, working at all times
395 with soils and crops; crops takes in principally new varieties. In working with the selection of seed—high-bred corn, I might say in our county we are working in cooperation with the University of Illinois and the U. S. D. A.; we had one corn plot of 52 varieties last year; different varieties to check up on yields. That, in general, is part of our work.

Q. Mr. Brunnemeyer, can you state what, if any, radio programs are received in your area at the present time, which you consider of particular benefit and interest to the farmers in your area?—A. Well, I can say that WLS puts on a good service with their farm program, stressing the markets, daily markets, livestock markets, grain, etc., and the NBC program that is put on, I believe, every noon. There was a service out of this town over the radio; I don't know whether that is continued or not, but it didn't reach us.

Q. It didn't reach all of your county?—A. No. We tried to, or, we tuned in a good many times, and I know our own folks tried to get that reception while we were on that program over here, but it was too weak, or the wrong hour, but it just couldn't get through.

Q. Are any of the programs you mentioned being received now localized, or, of a general nature?—A. General nature.

Q. Are you familiar with the plans of the Telegraph-Herald to establish a radio station in Dubuque to serve Dubuque County and adjoining counties, especially in regard to agricultural matters?—A. Well, only insofar as I have learned through talking with Mr. Arndt of the Telegraph-Herald, and I understand that their plan is to include our county and the neighboring counties around Dubuque in a farm program, and, of course, in our own case we are certainly glad that this is happening, because we feel that the contacting of our farmers by means of the air that the surface has merely been scratched.

Q. To what extent would you be willing to cooperate and be interested with the Telegraph-Herald in producing a farm program if they be permitted to establish this radio station?—A. Well, I certainly would appreciate a chance to appear on this program and work in harmony with them and with the neighboring counties: I would take any time that we would be permitted to have and set up a program to work in with theirs.

396 Q. Would you be willing to appear on a regular weekly broadcast from your county?—A. Yes, sir.

Q. What would be the general nature of the program that you would propose to broadcast?—A. Well, from the experience I have had in this sort of thing I feel that the more of our own folks that we can work into a program of this kind the better; for instance, we had a statewide dairy judging contest at Urbana a few weeks ago, and our own group managed to place second; we have a group of boys that I know would be delighted to get on the air and tell of their own experiences. We moved fifty down to the State Fair and they took part in a chorus of 2,000 voices at Springfield, and we could pick groups—musical

groups—from an organization of that kind to work in with talks of an educational nature, and it seems to me that that sort of a program would appeal to our farm people rather than just have the Agent go up there week after week and talk along some particular line.

Q. Would you plan to have participation for other farmers—participate also?—A. Absolutely. We have people in our three organizations, Farm Bureau, Home Bureau and the Junior Organization, and it is our job to develop leadership, but we can't do that if we are the whole show, so we would like to work these people into the picture.

Q. Would you plan to vary the program in such a way that it would be particularly designed to interest the farmers in your own county?—A. It would be my idea to arrange programs quarterly in advance and notify them several days before and remind them that they are on this program.

Q. Now, in addition to this regular broadcast, would you be interested in making use of the proposed facilities on special occasions, or, emergency occasions?—A. For instance, how do you mean that?

Q. Well, for instance, the grasshopper scourge?—A. Well, it would be one fine way of reaching our farmers in time of emergency. For instance, this year the Government furnished our counties with bran and sodium arsenite to mix a bait, and by means of the radio we could give this information out to our farmers in a much better way than just by means of some of those other contacts. Of course we did get it into the papers; we
397 ran a weekly column in our newspapers, but people that are accustomed to getting these things over the radio get them in a much better way, and I believe the influence would be—the bearing that I would have that way—quite an important part in a program of that kind.

Q. And are there special occasions—contests, etc.—that would lend themselves to broadcasting?—A. Well, our corn-husking contest and the 4-H show (a two days' show) and the farmers' picnic (that comes tomorrow) and annual meetings. A good many occasions—special occasions—that we would have to use, if we had facilities over there for a service of this kind, and I understand this station would have, if it materializes to that point.

Q. They have offered to broadcast such special occasions by remote control?—A. That's right.

Q. Can you state from your own knowledge what the attitude of the Telegraph-Herald has been toward agriculture, and particularly your own county, and how they have cooperated with

you, if they have?—A. Well, I rode to Polo today, or, had a meeting at Polo today, in connection with this Soil Conservation Program, and we were discussing the Telegraph-Herald. Well, in fact, our Vice President, living across the river here, made the statement that he felt that the attitude of the Telegraph-Herald toward the farmers and farm programs had always been of such a nature that it was in every instance helpful.

Q. What has been your own experience?—A. Well, our experience has been through our reporter there in Elizabeth that any time we have any news of an agricultural nature we never have any difficulty in getting all the space we want in the Telegraph-Herald, and in fact they have gone all the way on that and headlined articles, especially 4-H news and news of that kind—young peoples' work—and we have felt (this may be aside from what you are after here) but, we have felt that they have been fair in their attitude towards the Triple A Program, Corn-Hog Program—call it what you will—all the way.

Q. And that has met the approval of your people?—A. Absolutely—absolutely. I will say that they are one of the few papers that have taken that attitude.

Mr. LOVETT. That's all, Mr. Gilloon.

398 Cross-examination by Mr. GILLOON:

Q. You said you were familiar with the proposed plan of operation of this station if a permit or license is granted? What is your understanding in regard to this plan? How was it explained to you?—A. Well, in talking the matter over with Mr. Arndt he just said their plan was to put in a broadcasting station, if it were possible; that would reach out into a territory that would cover a radius—well, it would reach out fifty miles from Dubuque and that we, through our extension service, would be invited in to take part in a weekly or daily farm program, and, as it was explained to us, the schools would be included in this program, and that we would be given a good place, that is, on our time on the program, and I personally felt that probably the best time they could reach our people is right during the noon hour, say between a quarter to twelve to 12:30, and it was intimated that we would have that time.

Q. And did he advise you the hours of operation that were applied for?—A. Sir?

Q. Did he advise you the hours of operation that were applied for, and when he would be permitted to broadcast?—A. No.

Q. The length of hours in the day?—A. No. Nothing was said that I recall of that.

Q. Now, you spoke about remote control. What was mentioned on that—in regard to that?—A. Well, with our corn-

husking contest, for instance, they seemed to think that they would have facilities that would reach over into our county midway. These are held as a general rule in the middle of the county, so that they would be put on the air at intervals. I don't know how that is worked. We have never had that facility in our county, altho I have seen it worked in state contests over WLS.

Q. Now, what service do you have coming into Elizabeth and Jo Daviess County with which you are familiar that carries farm programs? You mentioned NBC, I believe?—A. WLS.

Q. Does Madison reach you?—A. Not very effectively. WILL in Illinois; we can't get them, either.

Q. Well, I meant the ones that you do get.—A. Well, those are about the two chief stations.

399 Q. NBC carries the National Farm & Home hour?—A. Yes, sir.

Q. When does that come in?—A. 11:30 I believe.

Q. Until 12:00?—A. Till 12:00.

Q. It is for one hour, is it not?—A. I guess so; I wouldn't know.

Q. 11:30 to 12:30?—A. Yes; I guess so.

Q. That is daily?—A. Yes.

Q. And WLS, when does that broadcast its program?—A. well, I generally get it at noon. Of course we have an early morning program, but I get it chiefly for the market reports. The Dinner Bell Hour, I believe they call it, and the Breakfast Hour; early in the morning radio programs and announcements. My time with the radio is not very regular.

Q. That is, your listening time?—A. That's right, my listening time; and so those are the two that I am principally acquainted with.

Q. The local station, WKBB, gave you time on the air?—A. Yes, sir; at 5:15—from 5:00 to 5:15.

Q. 5:00 to 5:15?—A. Yes.

Q. Were you ever on the noon hour?—A. No, sir.

Q. Does Rockford come to your county?—A. Yes; we get Rockford.

Q. Do they have a farm program?—A. Off and on. I know of Advisers in that territory that have been on a program, but I don't believe they have a regular farm program.

Q. Yes; but you don't know for sure?—A. I don't know for certain; no. I believe we had some correspondence on that and they asked if we would be interested, but they don't reach us with any degree of clearness. So we are interested in reaching our people in a manner that they can hear these programs. I had a letter this morning from WJJD asking me if we would be

interested in putting on an early morning ten minutes and at noon once a month. Of course, that is a long ways off for us, it seems like; we can do a lot more good if we had something that was local and it would reach our people.

Q. Do you know that the local station WKBB has a farm program every noon from 11:45 to 12:00 noon?—A. No; I didn't know that.

400 Q. Mr. Kerrigan—You are acquainted with Mr. Kerrigan, our local Farm Agent in Dubuque?—A. Yes.

Q. Did you know that he appears every noon, from 11:45 to 12:00?—A. No; I didn't know that. The thing just died out with us. Nothing was said, except we had a schedule of meetings, and when that schedule ran out it stopped right there. Why, I don't know; we never heard any more from it. We never failed to appear on that program; we were always on time; never once failed to meet our part of it.

Q. Yes, and how long did you continue to participate in that program?—A. Well, I should say six months.

Q. Six months?—A. Yes, sir.

Q. Did you find the attitude of WKBB willing to cooperate?—A. When we worked with the first group that was in there they were very good, and it seemed like about half way through. There was a change made and—well, several times I know we had to wait for—we were pushed later on into the program. They had something else on and we were told to wait until they could find a place in there for us. Well, I think that some of our boys kind of felt like other things were of a good deal more importance than the farm 15 minutes.

Q. How long ago was that, Mr. Brunnemeyer?—A. Well, our last program was probably—well, just at a guess, it would be five or six months ago.

Q. Aha!—A. Our folks couldn't get the program over WKBB.

Mr. GILLOON. I move that the last answer be stricken out as the conclusion of the witness, and predicated on hearsay.

Mr. LOVETT. The witness has already testified that it could not be received in his territory.

A. Well, I won't say this immediate territory because I know our farmers across the river were getting it, but I mean the farmers in the central part of the county and east, that is, beyond twenty mile radius, because I know in our own home my wife tried to get programs that I was on.

Mr. GILLOON. I will have to object to this answer and move to strike it out as hearsay.

Q. You were on the other end?—A. Yes, sir. O. K.

Q. I think that's all.

401 Redirect examination; Mr. LOVETT:

Q. Mr. Brunnemeyer, you referred to the noon hour as being the most acceptable period for the broadcast which you mentioned as being most desirous of getting over the proposed station, and you also, I believe, referred to that noon hour as being 12:00 to 12:30—11:45 to 12:30—did you mean to stop at 12:30?—A. No; I would say any time between 12 and 1 o'clock, or 12:45. Farmers, as a rule, get in about a quarter to twelve, and they are back in the field about one o'clock.

Q. They are cleaned up and out by one o'clock?—A. Yes. Myself, I get in about 11:30 and back out about a quarter of one.

Q. Now, you mentioned a change which had taken place in the local station? Was that a change in ownership or a change in management?—A. A change in management; the folks that we dealt with.

Q. Did you say that that occurred about six months ago, or was that longer?—A. Well, that occurred about nine months ago; about midway in the time that we were on the air.

Q. That is, you broadcasted at a scheduled time?—A. We were shifted around.

Q. There was no regularity of broadcast?—A. No.

Q. That's all.

Recross-examination by Mr. GILLOON:

Q. In appearing on the program, did the program go on one day a week, that is, some hour out of one day a week?—A. No, sir. We had about one period a month.

Q. One period a month?—A. Yes, sir. There were, I think, seven or eight counties in it at that time.

Q. And how many times did you appear on your home program while it was going on and being carried?—A. I might say about seven.

Q. And how long were you on? How long was the program carried?—A. Six months, as I recall; I could check that definitely.

402 Q. And, as I understand, one period a month?—A. Yes.

Q. And how many speakers would appear on each program at each period?—A. Well, we were on—I don't know as I get your question. We were on—we made out the schedule.

Q. Now, just a moment! I will make myself clear. Was this program conducted by talent or speakers from Jo Daviess County, or from the other surrounding counties?—A. The surrounding counties.

Q. Six surrounding counties, including Dubuque?—A. Seven or eight.

Q. Now, what I am getting at is, with this particular period each month when that broadcast would go on, would one speaker from each county appear on each separate program?—A. Yes. Let me see now—I believe that was two days a week.

Q. Oh!—A. Two days a week.

Q. Oh, well now, I didn't understand you.—A. Well, I didn't put it that way before.

Q. You stated once a month?—A. No, two days a week, and we had seven or eight counties. I believe it was eight and, you see, that would put us on—well, about——

Q. Well, that changes it. You said once a month. You meant the program went on twice a week?—A. That's right.

Q. And one of you would appear at each program?—A. Yes, sir. I think one or two months we were on twice; it all depended on how the days happened to stack up, you see.

Q. I think that's all.

(Witness excused.)

——— ———, *Witness.*

Dr. EMIL H. RAUSCH, called as a witness on the part of the Applicant, after having been first duly sworn by me as Notary, testified as follows:

Direct examination by Mr. LOVETT:

Q. Please give your name, address, and occupation.—A. My name is Emil H. Rausch; I am an ordained clergyman,
403 and am at present President of the Wartburg Theological Seminary here at Dubuque, Iowa.

Q. Will you explain just briefly what the Wartburg Theological Seminary is?—A. Yes. The Wartburg Theological Seminary is the midwestern school of the American Lutheran Church, whose headquarters are at Columbus, Ohio; in which the Pastors are trained for the Lutheran Church. The men that are received by the Seminary are supposed to have the four years college training with a B. A., if possible, and they get their special theological training at the Seminary. It is a three year course and a graduate leads up to a B. D., or Bachelor of Divinity; with a graduate school leading to a Master of Sacred Theology; M. S. T. I might add that our student body is limited; our capacity is seventy-six, but we don't want more than about sixty to seventy students, because that is just a big enough turn-over for us at the end of every three years.

Q. Does your student body come from a wide area, or a local area?—A. No, it comes from a very widely distributed area all the way from Alberta and Saskatchewan, Canada, and all the

way between, we usually have students; in the Mississippi Valley all the way down to Texas.

Q. Dr. Rausch, are you familiar in a general way with the plans of the Telegraph Herald to establish a radio station to serve Dubuque and nearby counties?—A. Yes, I think I am.

Q. Will you state to what, if any, extent your Seminary would be interested in cooperating in the broadcasting of programs over this proposed station if it become a fact?—A. I might say that we would be keenly interested in a periodic program, once a week, or twice a month, as the case might be; a program of a devotional, educational character, with a certain type of music; and when I say a certain type of music I have in mind a pipe organ; I have in mind chorus and quartette singing. When I say a devotional program, I have in mind a Matin service every morning. We have a Matin service every morning at 7:20, and that consists of hymns, responsive chanting, and a scripture lesson, and a prayer, and we have a vesper usually every evening at 5:50.

Q. How long does this Matin service last?—A. Now, those services last usually only about ten minutes. I might add
404 this; that the evening vesper service is used for practice preaching. We can't let these boys loose on a suffering public without giving them a reasonable amount of preparation; and of course, when that takes place, then a vesper service is longer in duration.

Q. Would you be interested if facilities were made available, in broadcasting this Matin Service that you said lasts from 5:50?—A. Yes, I think we would be glad to do that.

Q. Now, you speak of a periodic vesper service on Sunday afternoon; of what nature would that be? Would that be in English?—A. Well, these are the thoughts I had. After I began to think of what the Telegraph Herald had in mind, I thought of a periodic service sometime on Sunday afternoon. I am not thinking of our Vesper, let me say about four o'clock; that would last fifteen or twenty minutes; and perhaps quartette singing, and then the regular liturgical setting, a scripture lesson, and a brief address, winding up with a prayer. Then this other thought came to me. Now, I know this territory around here pretty well. I think I know the whole State of Iowa pretty well, as far as that goes; and I know we have a large constituency of the Lutheran Church, which after all, the German Language is still the heart language; and I thought it might be a good thing if occasionally we arranged a vesper service in German, with a brief scripture lesson in German and German Hymns. I think a great many of our people in the rural section, and right here in

the city of Dubuque, I know three of our churches conduct services in German;—that would be very acceptable.

Q. You would be willing to prepare and broadcast a periodical service in German?—A. Yes, I think I could do that; say one Sunday in the month, something like that.

Q. Now, are there special occasions on which you would care to make use of these facilities in connection with musical groups you might have developed?—A. Well, I hadn't thought about that phase particularly. I see no reason why we shouldn't do that. There are occasions when it might be very fine if we could make use of a facility of that kind.

Q. Do you still sponsor St. Olaf's Choir?—A. We didn't "sponsor" St. Olaf's Choir last time; but we did up until
405 the last time. Nobody has to sponsor St. Olaf in Dubuque, you know; they go across, that's all there is to it!

Q. That is all, Mr. Gilloon.

Cross-examination by Mr. Gilloon:

Q. You are acquainted, Doctor, with the fact that we already have in the city of Dubuque a local radio station, WKBB?—A. Yes; I know that.

Q. Would you be willing to give any, or all of these; or to participate, rather, in programs over the local station WKBB?—A. The Seminary as such has never been invited to participate. Our quartette has, and I know our Lutheran Pastors have, but this is the first time we have ever been asked to participate; but I don't see any reason why, if we were asked, why we wouldn't do it. Individuals have done it.

Q. Yes; you would the same way as you would if another station were established here?—A. Oh, yes; I suppose so; yes.

Q. Have you ever participated in the Sunday morning services?—A. I, personally?

Q. Yes.—A. No.

Q. Are you a member of the Ministerial Association?—A. No. I am not; simply because I haven't any time. I have lectures when they meet.

Q. You are aware of the fact that Sunday morning services are conducted by the Dubuque Ministerial Association?—A. Yes.

Q. Over Station WKBB?—A. Yes; sure.

Q. And are you aware of the fact that there is a daily program over the local station WKBB from nine to nine-fifteen A. M. a Studio-Church program?—A. No; no, I am not. In fact, I am frank to say that what I know of the local stations; of their programs, is largely hearsay.

Q. You haven't listened?—A. By hearsay I am. My wife and my daughter, they have listened in. I have occasionally, but not often.

Q. Have you ever listened in on the Inspirational Talks given daily from 5:15 to 5:45?—A. No; I have not.

Q. Pardon me, 5:30 to 5:45.—A. No; I have not.

406 Q. You have never requested the privilege of appearing over the local station with any broadcasting any of the services you mentioned, the vesper?—A. No; I have never requested it.

Q. Or your Matin services?—A. It so happened I never asked for the privilege. No; I haven't.

Q. Did you say that the facilities had been offered to you?—A. Yes.

Q. That is what they were saying that you said.—A. Yes; Dr. Carriel, of the Presbyterian Church, was up to my house; he came to see me on that; it so happened, that that particular Sunday I couldn't make it.

Mr. LOVETT. Did that request come from Dr. Carriel?—A. Yes; you know him?

Q. Is he connected with the Ministerial Association?—A. I don't know whether he was at the head of that broadcasting Committee, or not.

Q. The request came from him and not from the station?—A. No; that request came from him. The station has never made the request; not to my knowledge.

Q. Now—well, Doctor, you understand, do you not; or is it not your understanding that the attitude of the local station WKBB to leave its facilities open to religious services to be broadcast?—A. Yes; that is my understanding that they leave their facilities open for that.

Q. When have you given thought to this particular program that you mentioned tonight; and outlined?—A. Just the last few days.

Q. Since you were approached to be a witness here?—A. Since I was approached by Mr. Arndt, and since I wrote that letter that you probably have on file; I don't know.

Q. Prior to that the matter had not occurred to you?—A. No. Prior to that I paid no attention to it.

Q. I think that is all.

Redirect examination by Mr. LOVETT:

Q. Dr. Rausch, I shall refresh your memory. It was a letter dated August 4th. It is since August 4th that you have been considering this maater in your mind?—A. Yes; it is since

407 August 4th that I have been mulling this matter over in my mind.

Q. Dr. Rausch, will you state what the attitude of the Telegraph Herald has been toward education and religious matters in this community, and particularly in respect to your Seminary?—A. Well, I feel very cordial. Whenever I have had any dealings whatsoever with the Telegraph Herald I have met with the utmost courtesy. They have met me more than half the way. That has been my experience with the Telegraph Herald.

Re-cross examination by Mr. GILLOON:

Q. Doctor, the letter you referred to, under date of August 4th, 1936—— A. Yes?

Q. Was that letter written in response to a request to—— A. To write it?

Q. No; to be a witness on behalf of the Telegraph Herald; or was it?—A. I didn't understand it that way.

Q. Or did it give an explanation of what the proposed to do—it had to do with the application for a radio station?—A. I had an interview with a representative of the Telegraph Herald on the proposition; I am frank to say.

Q. Pardon me?

Mr. LOVETT. Let the witness answer.

Q. Pardon me; the "proposition"; tell just what you mean by that "proposition"?—A. This proposition of establishing a broadcast for educational, devotional, and cultural purposes, and I am frank to say that when this was approached to me, why, of course I took it immediately. That would be in my line to do that. The next thing would be, just in what way can I cooperate, and what am I willing to do.

Q. Well, I was trying to fix the time.—A. And I wrote that letter at that time; not as a witness for the Telegraph Herald or anybody, as far as I could see; but simply to say we were willing to back that.

Q. I was just getting at the time.—A. Absolutely.

408 Q. That had to do with the same subject that you talked with Mr. Arndt about later?—A. Yes, sir; it did. Absolutely. It did.

Q. That is all.

EMIL H. RAUSCH,
Witness.

CERTIFICATE OF NOTARY PUBLIC AND SHORTHAND REPORTER COMBINED

STATE OF IOWA,
Dubuque County, ss:

I, John W. Kintzinger Jr., a Notary Public of Iowa in and for Dubuque County, do hereby certify that the witnesses named in the foregoing Depositions were by me first duly sworn to testify the truth, the whole truth, and nothing but the truth concerning this hearing; that the depositions were taken at the time and place mentioned, to-wit, on August 21, 22, and 24th, 1936, at the Chamber of Commerce Building, in the city of Dubuque, Iowa; that the said depositions were taken down in shorthand by me, and by me or under my supervision, transcribed by typewriter and submitted to the said witnesses for reading, correction (if any), and signature; except that of Mr. H. R. Brunnemeyer, whom I was unable to reach because he had gone on a vacation—automobile trip; however, I will submit to him for reading, correction, and signature a true copy (carbon copy) of his deposition, and forward it to you, duly, especially certified by me, as soon as possible. I further certify that EACH deposition is a true, full, and correct record of the testimony given by these respective witnesses.

I further certify that I am not of counsel or attorney for any of the parties named in the above-named depositions or captions, that I am not related to any of the said parties, and am not in any way interested in the outcome of the cause.

In Witness Whereof I have hereunto set my hand and affixed my Notarial Seal this 5th day of September, A. D. 1936.

[SEAL] JOHN W. KINTZINGER, JR.
Notary Public of Iowa,
in and for Dubuque County.

My Commission expires on the 4th day of July, A. D. 1939.

409 7:30 o'clock P. M., August 24, 1936.

H. R. BRUNNEMEYER, called as a witness on the part of the Applicant, and after being first duly sworn by me as Notary, testified as follows:

Direct examination by Mr. LOVETT:

Q. Please give your full name, address, and occupation.—A. Henry Raquet Brunnemeyer, Farm Advisor (as they call us over there) in the Agricultural Extension Service, in connection with the Jo Daviess County Farm Bureau and the Experimental Station at Illinois of the United States Department of Agriculture, at Elizabeth, Illinois.

Q. Mr. Brunnemeyer, will you state in general the activities of your office?—A. Well, I am employed by the County Bureau of Directors and work with farmers and young people of Jo Daviess County in the matter of agricultural extension chiefly. Do you want something of our program, or just that in a general way?

Q. Well, just in a general way. Can you give me the number of farmers in your county and the type of agricultural pursuits followed?—A. Our farming is chiefly dairy, with a good bit of diversity along with that, such as hog raising, sheep farming, beef cattle, poultry, and the raising of hay is one of our chief interests in Jo Daviess. We are not a grain-producing area. We do produce some wood; we have considerable wood-lot area. Our farmers recently—I think we have something like 2,100 farmers in the county, and we service through our membership about just approximately one-third. We have in our county—we have a $15.00 membership proposition that helps to finance the organization with State and Federal funds. We do not receive any money from the county. We in our general work—we service any farmer that asks for service, and specifically service the members of our organization. Of course, my work takes me into 4-H Young Adult work. We have a separate organization for young people that we call our Young Adult organization and that takes in the ages of 21 to 30, people between the 4-H age and the age actually taken over farming operations. I might mention I listed some of the things here; I only have a part of them. Our Dairy Herd Improvement Association work; music and drama work, with adults and young people working in cooperation with the CCC Camp. We have one camp in the county, a colored camp. We work with reforestation and the Forestry Service, both State and National, and, of course, at present we are right in the midst of this new Soil Conservation Service. One of our major projects this year has been along with insect-control work. We have the problem of controlling—or trying to, at least—the white-grub situation, and there was considerable damage this year with grasshoppers, and as we are quite a hog-producing area we get into the sanitation and vaccination service and selection of pure-bred stock, etc. Then, of course, in connection with the State and National service we work with the Emergency Seed Loan set-up, a farm-loan service, and then we have our lime and phosphate program. In our own office we do considerable testing of limerock. We have a natural abundance of limestone in our county; a good many quarries and local crushers, and you can see from that that we do considerable limerock testing to find out what the calcium content of this rock is, and then we work in cooperation with our Home Bureau. That is another organi-

zation set-up primarily for women and girls, and then we have our cooperative marketing of livestock; that is a separate project set-up under its own township and county committees. We have a township committee that looks after this particular project—one in each township—that takes in the marketing of livestock through cooperative channels, and then we have two cooperative creameries. Of course, working at all times with soils and crops; crops takes in principally new varieties. In working with the selection of seed—high-bred corn, I might say in our county we are working in cooperation with the University of Illinois and the USDA; we had one corn plot of 52 varieties last year; different varieties to check up on yields. That, in general, is part of our work.

Q. Mr. Brunnemeyer, can you state what, if any, radio programs are received in your area at the present time, which you consider of particular benefit and interest to the farmers in your area?—A. Well, I can say that WLS puts on a good service with their farm program, stressing the markets, daily markets, livestock markets, grain, etc., and the NBC program that is put on, I believe, every noon. There was a service out of this town over the radio; I don't know whether that is continued or not, but it didn't reach us.

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Q. It didn't reach all of your county?—A. No. We tried to, or, we tuned in a good many times, and I know our own folks tried to get that reception while we were on that program over here, but it was too weak, or the wrong hour, but it just couldn't get through.

Q. Are any of the programs you mentioned being received now localized, or of a general nature?—A. General nature.

Q. Are you familiar with the plans of the Telegraph-Herald to establish a radio station in Dubuque to serve Dubuque County and adjoining counties, especially in regard to agricultural matters?—A. Well, only insofar as I have learned through talking with Mr. Arndt, of the Telegraph Herald, and I understand that their plan is to include our county and the neighboring counties around Dubuque in a farm program, and, of course, in our own case we are certainly glad that this is happening, because we feel that the contacting of our farmers by means of the air that the surface has merely been scratched.

Q. To what extent would you be willing to cooperate and be interested with the Telegraph-Herald in producing a farm program if they be permitted to establish this radio station?—A. Well, I certainly would appreciate a chance to appear on this program and work in harmony with them and with the neighboring counties. I would take any time that we would be permitted to have and set up a program to work in with theirs.

Q. Would you be willing to appear on a regular weekly broadcast from your county?—A. Yes, sir.

Q. What would be the general nature of the program that you would propose to broadcast?—A. Well, from the experiences I have had in this sort of thing I feel that the more of our own folks that we can work into a program of this kind the better; for instance, we had a statewide dairy-judging contest at Urbana a few weeks ago, and our own group managed to place second; we have a grou' of boys that I know would be delighted
412 to get on the air and tell of their own experiences. We moved fifty down to the State Fair and they took part in a chorus of 2,000 voices at Springfield,, and we could pick groups—musical groups—from an organization of that kind to work in with talks of an educational nature, and it seems to me that that sort of a program would appeal to our farm people rather than just have the Agent go up there week after week and talk along some particular line.

Q. Would you plan to have participation for other farmers—participate also?—A. Absolutely. We have people in our three organizations, Farm Bureau, Home Bureau, and the Junior Organization, and it is our job to develop leadership, but we can't do that if we are the whole show, so we would like to work these people into the picture.

Q. Would you plan to vary the program in such a way that it would be particularly designed to interest the farmers in your own country?—A. It would be my idea to arrange programs quarterly in advance and notify them several days before and remind them that they are on this program.

Q. Now, in addition to this regular broadcast, would you be interested in making use of the proposed facilities on special occasions, or emergency occasions?—A. For instance, how do you mean that?

Q. Well, for instance, the grasshopper scourge?—A. Well, it would be one fine way of reaching our farmers in time of emergency. For instance, this year the Government furnished our counties with bran and sodium arsenite to mix a bait, and by means of the radio we could give this information out to our farmers in a much better way than just by means of some of those other contacts. Of course we did get it into the papers; we ran a weekly column in our newspapers, but people that are accustomed to getting these things over the radio get them in a much better way, and I believe the influence would be—the bearing that I would have that way—quite an important part in a program of that kind.

Q. And are there special occasions—contests, etc.—that would lend themselves to broadcasting?—A. Well, our corn-husking

contest and the 4–H show (a two days' show) and the farmers' picnic (that comes tomorrow) and annual meetings. A
413 good many occasions—special occasions—that we would have to use, if they had facilities over there for a service of this kind, and I understand this station would have, if it materializes to that point.

Q. They have offered to broadcast such special occasions by remote control?—A. That's right.

Q. Can you state from your own knowledge what the attitude of the Telegraph-Herald has been toward agriculture, and particularly your own county, and how they have cooperated with you, if they have?—A. Well, I rode to Polo today, or, had a meeting at Polo today, in connection with this Soil Conservation Program, and we were discussing the Telegraph-Herald. Well, in fact, our Vice President, living across the river here, made the statement that he felt that the attitude of the Telegraph-Herald toward the farmers and farm programs had always been of such a nature that it was in every instance helpful.

Q. What has been your own experience?—A. Well, our experience has been through our reporter there in Elizabeth that any time we have any news of an agricultural nature we never have any difficulty in getting all the space we want in the Telegraph-Herald, and in fact they have gone all the way on that and head-lined articles, special 4–H news and news of that kind—young people's work—and we have felt (This may be aside from what you are after here) but we have felt that they have been fair in their attitude towards the Triple A Program, Corn-Hog Program—call it what you will—all the way along.

Q. And that has met the approval of your people?—A. Absolutely—absolutely. I will say that they are one of the few papers that have taken that attitude.

Mr. Lovett: That's all, Mr. Gilloon.

Cross-examination by Mr. Gilloon:

Q. You said you were familiar with the proposed plan of operation of this station if a permit or license is granted? What is your understanding in regard to this plan? How was it explained to you?—A. Well, in talking the matter over with Mr. Arndt he just said their plan was to put in a broadcasting station, if it were possible, that would reach out into a terri-
414 tory that would cover a radius—Well, it would reach out fifty miles from Dubuque and that we through our extension service would be invited in to take part in a weekly or daily farm program, and, as it was explained to us, the schools would be included in this program, and that we would be given a good place, that is on our time on the program, and I personally felt

that probably the best time they could reach our people is right during the noon hour, say between a quarter to twelve to 12:30, and it was intimated that we would have that time.

Q. And did he advise you the hours of operation that were applied for?—A. Sir?

Q. Did he advice you the hours of operation that were applied for, and when he would be permitted to broadcast?—A. No.

Q. The length of hours in the day?—A. No. No; nothing was said that I recall of that.

Q. Now, you spoke about remote control? What was mentioned on that—in regard to that?—A. Well, with our corn-husking contest, for instance, they seemed to think that they would have facilities that would reach over into our county midway. These are held as a general rule in the middle of the county, so that they would be put on the air at intervals. I don't know how that is worked. We have never had that facility in our county, altho I have seen it worked in state contests over WLS.

Q. Now, what service do you have coming into Elizabeth and Jo Daviess County with which you are familiar that carries farm programs? You mentioned NBC, I believe?—A. WLS.

Q. Does Madison reach you?—A. Not very effectively. WILL in Illinois, we can't get them either.

Q. Well, I meant the ones that you do get?—A. Well, those are about the two chief stations.

Q. NBC carries the National Farm & Home hour?—A. Yes, sir.

Q. When does that come in?—A. 11:30, I believe.

Q. Until 12:00?—A. Till 12:00.

Q. It is for one hour, is it not?—A. I guess so; I wouldn't know.

Q. 11:30 to 12:30?—A. Yes; I guess so.

Q. That is daily?—A. Yes.

115 Q. And WLS, when does that broadcast its program?—A. Well, I generally get it at noon. Of course, we have an early morning program, but I get it chiefly for the market reports. The Dinner Bell Hour, I believe they call it, and the Breakfast Hour; early in the morning radio programs and announcements. My time with the radio is not very regular.

Q. That is, your listening time?—A. That's right, my listening time, and so those are the two that I am principally acquainted with.

Q. The local station, WKBB, gave you time on the air?—A. Yes, sir; at 5:15—from 5:00 to 5:15.

Q. 5:00 to 5:15?—A. Yes.

Q. Were you ever on the noon hour?—A. No, sir.

Q. Does Rockford come to your county?—A. Yes; we get Rockford.

Q. Do they have a farm program?—A. Off and on. I know of Advisors in that territory that have been on a program, but I don't believe they have a regular farm program.

Q. Yes; but you don't know for sure?—A. I don't know for certain; no. I believe we had some correspondence on that and they asked if we would be interested, but they don't reach us with any degree of clearness. So we are interested in reaching our people in a manner that they can hear these programs. I had a letter this morning from WJJD asking me if we would be interested in putting on an early morning ten minutes and at noon once a month? Of course, that is a long ways off for us, it seems like; we can do a lot more good if we had something that was local and it would reach our people.

Q. Do you know that the local station WKBB has a farm program every noon from 11:45 to 12:00 Noon?—A. No; I didn't know that.

Q. Mr. Kerrigan—You are acquainted with Mr. Kerrigan, our local Farm Agent in Dubuque?—A. Yes.

Q. Did you know that he appears every noon, from 11:45 to 12:00?—A. No; I didn't know that. The thing just died out with us. Nothing was said, except we had a schedule of meetings, and when that schedule ran out it stopped right there. Why, I don't know; we never heard any more from it. We never failed to appear on that program; we were always on time; never once failed to meet our part of it.

416 Yes; and how long did you continue to participate in that program?—A. Well, I should say six months.

Q. Six months?—A. Yes, sir.

Q. Did you find the attitude of WKBB willing to cooperate?—A. When we worked with the first group that was in there they were very good, and it seemed like about half way through. There was a change made and—well, several times I know we had to wait for—we were pushed later on into the program. They had something else on and we were told to wait until they could find a place in there for us. Well, I think that some of our boys kind of felt like other things were of a good deal more importance than the farm 15 minutes.

Q. How long ago was that, Mr. Brunnemeyer?—A. Well, our last program was probably—well, just at a guess, it would be five or six months ago.

Q. Aha!—A. Our folks couldn't get the program over WKBB.

Mr. GILLIOM. I move that the last answer be stricken out as the conclusion of the witness and predicated on hearsay.

Mr. LOVETT. The witness has already testified that it could not be received in his territory.

A. Well, I won't say this immediate territory because I know our farmers across the river were getting it, but I mean the farmers in the central part of the county and east—that is, on a twenty-mile radius—because I know in our own home my wife tried to get programs that I was on.

Mr. GILLOON. I will have to object to this answer and move to strike it out as hearsay.

Q. You were on the other end?—A. Yes, sir. O. K.

Q. I think that's all.

Redirect examination Mr. LOVETT:

Q. Mr. Brunnemeyer, you referred to the noon hour as being the most acceptable period for the broadcast which you mentioned as being most desirous of getting over the proposed station, and you also, I believe, referred to that noon hour as being 12:00 to 12:30—11:45 to 12:30—did you mean to stop at
417 12:30?—A. No; I would say any time between 12 and 1 o'clock, or 12:45. Farmers, as a rule, get in about a quarter to twelve, and they are back in the field about one o'clock.

Q. They are cleaned up and out by one o'clock?—A. Yes. Myself, I get in about 11:30 and back out about a quarter of one.

Q. Now, you mentioned a change which had taken place in the local station? Was that a change in ownership or a change in management?—A. A change in management; the folks that we dealt with.

Q. Did you say that that occurred about six months ago or was that longer?—A. Well, that occurred about nine months ago; about midway in the time that we were on the air.

Q. That is, you broadcasted at a scheduled time?—A. We were shifted around.

Q. There was no regularity of broadcast?—A. No.

Q. That's all.

Recross-examination by Mr. GILLOON:

Q. In appearing on the program, did the program go on one day a week; that is, some hour out of one day a week?—A. No, sir. We had about one period a month.

Q. One period a month?—A. Yes, sir. There were, I think, seven or eight counties in it at that time.

Q. And how many times did you appear on your home program while it was going on and being carried?—A. I might say about seven.

Q. And how long were you on? How long was the program carried?—A. Six months, as I recall; I could check that definitely.

Q. And, as I understand, one period a month?—A. Yes.

Q. And how many speakers would appear on each program at each period?—A. Well, we were on—I don't know as I get your question? We were on—we made out the schedule.

Q. Now, just a moment! I will make myself clear. Was this program conducted by talent or speakers from Jo Daviess County or from the other surrounding counties?—A. The surrounding counties.

418 Q. Six surrounding counties, including Dubuque?—A. Seven or eight.

Q. Now, what I am getting at is, with this particular period each month when that broadcast would go on, would one speaker from each county appear on each separate program?—A. Yes. Let me see now—I believe that was two days a week.

Q. Oh!—A. Two days a week.

Q. Oh, well now, I didn't understand you?—A. Well, I didn't put it that way before.

Q. You stated once a month?—A. No; two days a week, and we had seven or eight counties. I believe it was eight, and, you see, that would put us on—well, about——

Q. Well, that changes it?. You said once a month? You meant the program went on twice a week?—A. That's right.

Q. And one of you would appear at each program?—A. Yes, sir. I think one or two months we were on twice; it all depended on how the days happened to stack up, you see.

Q. I think that's all.

(Witness excused.)

H. R. BRUNNEMEYER,
Witness.

[Endorsed:] Docket No. 3967. App. Exhibit 3. Hearing before Federal Communications Commission 9/14/36. Ward & Paul, Official Reporters.

RETAIL AND WHOLESALE OUTLETS IN DUBUQUE, IOWA

Candy and Confectionery	47
Grocery Stores	111
Grocery and Meats	22
Meat Markets (Incl. Sea Food)	38
Department Stores	4
General Merchandise	8
Variety 5c, 10c, $1 Stores	5
Motor Vehicle Dealers (new & trade)	18
Filling Stations	42
Garages & Repair Shops	10
All Other Automotive Establishments	13

	Men's Clothing Stocks	17
	Family Clothing Stores	2
419	Women's Ready-to-Wear Stores	6
	Women's Accessories Stores	8
	Other Apparel Stores	5
	Other Stocks—Shoe Stocks	24
	Furniture & Household Groups	15
	Radio and Music Stores	8
	Restaurants, Cafeterias, Lunch Rooms, and other Eating places	30
	Lumber and Building Material Dealers	8
	Electrical Shops (Without Radio)	4
	Heating & Plumbing Shops	7
	Paint and Glass Stores	3
	Hardware & Farm Implement Stores	8
	Farmers Supplies Stores Including Feed and Fertilizers	5
	Cigar Stores & Stands	18
	Coal, Wood, & Ice Dealers	14
	Drug Stores	27
	Jewelry Stores	10
	Miscellaneous	55
	Total	592

Docket No. 3967. App. Exhibit 4. Hearing Before Federal Communications Commission 9/14/36. Ward & Paul, Official Reporters.

Exhibit #C

TENTATIVE PROGRAM SCHEDULE FOR ONE WEEK

(Proposed Telegraph Herald Station)

SUNDAY

8:30– 9:00 Uncle Reads the Telegraph Herald Funnies.
9:00– 9:05 Church Calendar: Announcements of Services, pastors, subject matters during the week, special activities.
9:05– 9:30 Churches of Dubuque.
9:30–10:00 Sunday morning Organ Concert (Local or Thesaurus).
10:00–10:30 Radio Bible Class (Dubuque Ministerial Assn.).
10:30–11:00 Symphonic Gems (Thesaurus).
420 11:00–12:15 Church Services (Dubuque Ministerial Assn. & Catholic Churches).
12:15–12:45 Luncheon Music (The Brigadiers—Ray Brandle, Director).
12:45– 1:15 New-Comers Club (Miss Esther Hoare).
1:15– 1:30 Telegraph Herald Local and Territorial News (John Fuhrman, State Editor).
1:30– 1:45 Farm Home (transcription).
1:45– 2:00 Musical Interlude (Miss Marie Werdell).

2:00– 2:30 Dramatics (University of Dubuque; Wartburg Seminary; Clarke College; Columbia; Senior Hi; St. John's Dram).
2:30– 3:00 Vocal Selections (Thesaurus).
3:00– 3:30 Civic Clubs Program (Y. M. & Y. W. C. A., P. T. A., Boys Club, Woman's Club).
3:30– 4:00 Instrumental Music (Gus Fuhrman & His Swing Band).
4:00– 4:30 Vesper Service (University of Dubuque).
4:30– 5:00 College Rhythm (transcription).
5:00– 5:15 Birthday Club.
5:15– 5:30 Current Events (Wm. Kennedy-Staff Reporter).
5:30– 6:00 Hymns of Yesteryear (Ballads and Folk Music).

MONDAY

(Rotary Club Occassionally at 1:30)

7:00– 8:00 Early Risers Hour (transcription).
8:00– 8:05 Safety Flash & Temperature Report (Police Dept. & Sheriff's Office).
8:05– 8:30 Merry Melodies (transcription).
8:30– 8:45 Morning Devotions (Catholic Clergy: Dubuque Ministerial Assn.).
8:45– 9:00 Organ Recital (University of Dubuque).
9:00– 9:15 News Flash (Payson Berg, City Editor).
9:15– 9:20 Local Weather Report Direct from Weather Bureau (L. Walter Dick).
9:20– 9:30 Mother Goose (Preschool Age—transcription).
9:30– 9:45 Local Market Review (John Fuhrman, State Editor).
9:45 10:15 Telegraph Herald Women's Institute (Miss Ann Bormann & Miss Elsie Garnier, Society & Asst. Society Ed.).
10:15–10:45 Musical Requests (Chick Luckritz & His Luke Ritz Orch.).
10:45–11:00 Health Talk (Dr. Connell, Dubuque Health Dept.).
11:00–11:15 Shut-In Program (electrically transcribed).
11:15–11:30 General Market Report (Earl Sands, Wire Editor).
11:30–12:00 Waltz Time (Gus Fuhrman & His Swing Band).
12:00–12:15 News Flashes (Wm. Kennedy, Staff Reporter).
12:15–12:20 Tri-State Weather Forecast Direct from Weather Bureau.
12:20–12:30 Protective Program (Sheriff T. J. Ryder).
12:30– 1:00 Dubuque County Farm Program (County Agent Kerrigan).

1:00– 1:30 Organ Recital (Doris McCaffery).
1:30– 1:45 Book Review (Book Editor).
1:45– 2:30 Modern Melodies (Thesaurus).
2:30– 2:45 Behind the Scenes (Re Radio & Stage & Screen Stars and Prominent Persons).
2:45– 3:00 News Commentator (Harry Schlichter, Managing Editor).
3:00– 3:30 Dubuque County School Program (Supt. Joseph J. Flynn).
3:30– 4:00 Symphonic Gems (Electrical transcription).
4:00– 4:05 Local Weather Forecast direct from Weather Bureau.
4:05– 4:30 Closing Market Quotations (Earl Sands, Wire Editor).
4:30– 5:00 Orchestrations (Local and Transcription).
5:00– 5:15 Sports Review and Comment (Carl Wilhelm, Sports Editor).
5:15– 5:45 Children's Program (Electrical transcription).
5:45– 6:00 News Flashes & Closing Weather Report (Carl Wilhelm).

422 TUESDAY

(Kiwanis Club Occasionally)

7:00– 8:00 Early Risers Hour (transcription).
8:00– 8:05 Safety Flash & Temperature Report (Police Dept. & Sheriff's Office).
8:05– 8:30 Merry Melodies (transcription).
8:30– 8:45 Morning Devotions (Catholic Clergy; Dubuque Ministerial Assn.).
8:45– 9:00 Organ Recital (transcription).
9:00– 9:15 News Flash.
9:15– 9:20 Local Weather Report Direct from Weather Bureau.
9:20– 9:30 Mother Goose (Transcription; or various Mother's Clubs, Congregational, Presbyterian, etc.).
9:30– 9:45 Local Market Review.
9:45–10:15 Telegraph Herald Women's Institute.
10:15–10:45 Musical Requests (Bus Canfield and His Orchestra).
10:45–11:30 City of Dubuque Police Dept.
11:30–11:30 Dubuque Academy of Music (Prof. Kleine).
11:30–11:45 General Market Report.
11:45–12:00 Shut-In Program (Electrical transcription).
12:00–12:15 News Flashes.
12:15–12:20 Tri-State Weather Forecast, Direct from Weather Bureau.

12:20–12:30 Country Music.
12:30– 1:00 Delaware County Farm Program (County Agent Huehn; 4-H Club, etc.).
1:00– 1:30 Organ Concert (University of Dubuque).
1:30– 1:45 Travel Talks (C. E. Rhoades, Mgr., A. A. A.).
1:45– 2:30 Musical Selections (Vocal and Instrumental—transcription).
2:30– 2:45 Behind the Scenes (Editorial & Publicity Dept.).
2:45– 3:00 News Commentator (Payson Berg, City Editor).
3:00– 3:30 Delaware County School Program (County Supt. Pratt).
3:30– 4:00 Symphonic Gems (Electrical transcription).
423 4:00– 4:05 Local Forecast Direct from Weather Bureau
4:05– 4:30 Closing Market Quotations.
4:30– 4:45 Parochial Schools (Grade and High—Rt. Rev. Msgr. Wolfe & Teaching Staff).
4:45– 5:00 Orchestrations (Local and Transcription).
5:00– 5:15 Sports Review and Comment (Carl Wilhelm, Sports Editor).
5:15– 5:45 Children's Program (Electrical transcription).
5:45– 6:00 News Flashes & Closing Weather Report.

WEDNESDAY

(Lions Club Occasionally at 1:00)

7:00– 8:00 Early Risers Hour (transcription).
8:00– 8:05 Safety Flash & Temperature Report (Police Dept. & Sheriff's Office).
8:05– 8:30 Merry Melodies (transcription).
8:30– 8:45 Morning Devotions (Catholic Clergy: Dubuque Ministerial Assn.).
8:45– 9:00 Organ Recital (Miss Marjorie Wilson).
9:00– 9:15 News Flash.
9:15– 9:20 Local Weather Report Direct from Weather Bureau.
9:20– 9:30 Mother Goose (transcription or Various Mother's Clubs Congregational; Presbyterian, Immanuel, etc.).
9:30– 9:45 Local Market Review.
9:45–10:15 Telegraph Herald Women's Institute.
10:15–10:45 Musical Requests (Gus. Fuhrman & His Swing Band).
10:45–11:00 Fashions, Patterns, and Household Arts.
11:00–11:15 Clarke College of the Air.
11:15–11:30 General Market Reports.
11:30–12:00 Morning Musicale (Thesaurus).

12:00–12:15 News Flashes.
12:15–12:20 Tri-State Weather Forecast Direct from Weather Bureau.
12:20–12:30 Old Fashioned Melodies (Thesaurus).
12:30– 1:00 Jackson County Farm Program (County Agent Krause).
424 1:00– 1:30 Organ Recital (Martha Zehetner).
1:30– 2:00 Shut-In Program (Electric transcription).
2:00– 2:30 Better Bridge (Mrs. Kleinschmidt).
2:30– 2:45 Behind the Scenes (Radio, Stage & Screen Stars, Prominent Persons of National, State, County & City Repute).
2:45– 3:00 News Commentator.
3:00– 3:30 Jackson County School Program (Supt. Martin).
3:30– 3:45 Symphonic Gems (Electric transcription).
3:45– 4:00 Closing Market Quotations (Earl Sands, Wire Editor).
4:00– 4:05 Local Weather Forecast Direct from Weather Bureau.
4:05– 4:30 University of Dubuque Musicale (Remote Control).
4:30– 5:00 Dubuque High School (Orchestra, Band, Glee Club, Dramatic Clubs, etc.—De Tella, Director).
5:00– 5:45 Sports Review and Comment (Carl Wilhelm, Sports Editor).
5:15– 5:45 Children's Program (Electrically transcribed).
5:45– 6:00 News Flashes & Closing Weather Report.

THURSDAY

7:00– 8:00 Early Risers Hour (transcription).
8:00– 8:05 Safety Flash & Temperature Report (Police Dept. & Sheriff's Office & Studio Announcer).
8:05– 8:30 Birthday Greetings.
8:30– 8:45 Morning Devotions (Catholic Clergy: Dubuque Ministerial Assn.).
8:45– 9:00 Organ Recital (transcription).
9:00– 9:15 News Flash.
9:15– 9:20 Local Weather Report Direct from Weather Bureau.
9:20– 9:30 Mother Goose (Electrical transcription & Various Mother's Clubs).
9:30– 9:45 Local Market Review.
9:45–10:15 Telegraph Herald Women's Institute.
425 10:15–10:45 Musical Requests (Chick Luckritz & His Luke Ritz Orch.).
10:45–11:15 Columbia College of the Air.
11:15–11:30 General Market Reports.

11:30–12:00 Rhythm Swing Music (Gus Fuhrman & His Swing Band).
12:00–12:15 News Flashes.
12:15–12:20 Tri-State Weather Forecast Direct from Weather Bureau.
12:20–12:30 Old Fashioned Melodies (Thesaurus).
12:30– 1:00 Grant County Farm Program (County Agent Walker).
1:00– 1:30 Organ Recital (Doris McCaffery).
1:30– 1:45 Book Review (Book Editor).
1:45– 2:00 Popular Piano Selections (Irma Sigman).
2:00– 2:15 Curb Reporter.
2:15– 2:30 Musical Matinee (transcription).
2:30– 2:45 Behind the Scenes.
2:45– 3:00 News Commentator.
3:00– 3:30 Grant County School Program (Supt. Ralph).
3:30– 4:00 German Band (Director Eichorn or transcription).
4:00– 4:05 Local Weather Forecast Direct from Weather Bureau.
4:05– 4:30 Closing Market Quotations.
4:30– 5:00 Clarke College of the Air.
5:00– 5:15 Sports Review and Comment (Carl Wilhelm, Sports Editor).
5:15– 5:45 Children's Program (Electric transcription).
5:45– 6:00 News Flashes & Closing Weather Report.

FRIDAY

7:00– 8:00 Early Risers Hour (electrical transcription).
8:00– 8:05 Safety Flash & Temperature Report (Police Dept. & Sheriff's Office).
8:05– 8:30 Merry Melodies (transcription).
8:30– 8:45 Morning Devotions (Catholic Clergy: Dubuque Ministerial Assn.).
8:45– 9:00 Organ Recital (transcription).
9:00– 9:15 News Flash.
426 9:15– 9:20 Local Weather Report Direct from Weather Bureau.
9:20– 9:30 Mother Goose (Electrical transcription & various other sources).
9:30– 9:45 Local Market Review.
9:45–10:15 Telegraph Herald Women's Institute.
10:15–10:45 Musical Requests (transcription).
10:45–11:00 Week-end Travel Suggestions (A. A. A., Mr. Rhoades).
11:00–11:15 Immaculate Conception Academy (Music; Art; Domestic Science).

11:15–11:30 General Market Reports.
11:30–12:00 Instrumental Music (Thesaurus).
12:00–12:15 News Flashes.
12:15–12:20 Tir-State Weather Forecast Direct from Weather Bureau.
12:20–12:30 Country Music.
12:30– 1:00 Jo Davies County Farm Program (Farm Advisor Brunnemeyer).
1:00– 1:30 Organ Concert (University of Dubuque).
1:30– 1:45 How Does Your Garden Grow? (Mrs. E. B. Lyons).
1:45– 2:00 Popular & Classical Piano Slections (Miss Marie Werdell).
2:00– 2:30 Bridge Party (Conducted and supervised by Mrs. Kleinsschmidt, Dubuque's Leading Authority on Bridge).
2:30– 2:45 Behind the scenes.
2:45– 3:00 News Commentator.
3:00– 3:30 Jo Davies County Schools (Supt. Burns).
3:30– 4:00 Luke Ritz Orchestra (Chick Lukritz).
4:00– 4:05 Local Weather Forecast Direct from Weather Bureau.
4:05– 4:20 University of Dubuque Educational Series (remote control).
4:20– 4:30 Musical Interlude (transcription).
4:30– 4:45 Elementary & Junior High Schools (E. D. Cline).
4:45– 5:00 Schroeder Violin Conservatory.
5:00– 5:15 Sports Review and Comment (Carl Wilhelm, Sports Editor).
5:15– 5:45 Children's Program (electrically transcribed).
5:45– 6:00 News Flashes & Closing Weather Report.

SATURDAY

7:00– 8:00 Early Risers Hour (electrically transcribed).
8:00– 8:05 Safety Flash & Temperature Report (Police Dept. and Sheriff's Office).
8:05– 8:30 Merry Melodies (transcription).
8:30– 8:45 Morning Devotions (Catholic Clergy; Dubuque Ministerial Assn.).
8:45– 9:00 Organ Recital (Miss Martha Zehetner).
9:00– 9:15 News Flash.
9:15– 9:20 Local Weather Report Direct from Weather Bureau.
9:20– 9:30 Mother Goose (transcription).
9:30– 9:45 Local Market Review.
9:45–10:15 Telegraph Herald Women's Institute.

10:15–10:45 Musical Requests (Thesaurus).
10:45–11:15 Telegraph Herald Juvenile Talent Program (All public & parochial schools under direction of E. D. Cline and Msgr. J. A. Wolfe).
11:15–11:30 General Market Report.
11:30–12:00 Waltz Time (Bus Canfield and His Orchestra).
12:00–12:15 News Flashes.
12:15–12:30 Tri-State Weather Forecast Direct from Weather Bureau.
12:20–12:30 Local Hill-Billy Band.
12:30– 1:00 Clayton County Farm Program (County Agent Combs).
1:00– 1:30 Organ Recital (Miss Wilson).
1:30– 2:00 Fraternal Activities (Elks; Masons; K. of C.; American Legion; Veterans of Foreign Wars; K. of P.; Odd Fellows, etc.).
2:00– 2:15 Curb Reporter.
2:15– 2:30 Gus Fuhrman and His Swing Band.
2:30– 2:45 Behind the Scenes.
2:45– 3:00 News Flashes.
3:00– 3:30 Clayton County Schools (Supt. Mary E. Meyer).
3:30– 4:00 Your Government (National, State, and County—City Mgr. Roger E. Evans & Mayor Frank Jaeger).
428 4:00– 4:05 Local Weather Forecast Direct from Weather Bureau.
4:05– 4:30 Closing Market Quotations.
4:30– 5:00 Bus Canfield's Orchestra (Buster Canfield Director).
5:00– 5:15 Sports Review & Comment (Carl Wilhelm, Sports Editor).
5:15– 5:45 Mystery Series (Thesaurus).
5:45– 6:00 News Flashes & Closing Weather Reports.

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ADDITIONAL PROGRAM MATERIAL

Orchestras: All from Dubuque, Iowa

Ray Alderson.
Black & White.
Ed. Goodman.
Rudy Hafeman.
Al Schuster and His Tri-State Band.
Sweetheart Syncopators.
Bill Zumhof and His Orpheum Orchestra.

Aces of Melody, Shullsburg, Wisconsin.
Hal Burke, Dyersville, Iowa.
Roy Driscoll, Scales Mound, Ill.
Bill Rawson, Platteville, Wisc.
Columbia College Military Band, Sam Dovi, Director.
Columbia Academy Bank, Sam Dovi, Director.
Columbia College Concert Band, Sam Dovi, Director.
Dubuque Cadet Band, Sam Dovi, Director.
The Soprana Accordian Club, Vince Chewning, Director.
The Gibson Guitar Club, Harold La Barge, Director.
Wartburg Theological Seminary (Matin service every morning at 7:20 A. M. consists of hymns, responsive chanting, scripture lessons and prayer, periodic Vesper service on Sunday afternoons, bimonthly vesper service in German.)
Mrs. Janet Fritz, Violinist.
Miss Edith Groff, Pianist.
Mr. Wm. Galloway, Tenor Vocalist.
The Academy of the Visitation, Dubuque.
O. A. Reynolds, Activities of the Chamber of Comm.
Credit Rating Bureau.
Dubuque Traffic Association, S. G. Creswick.
Dubuque Humane Society.
Ada Hermann, Pianist.
Ed. Bacher, Xyllophone.
Carl Grabow, Recreational Director.
Miss Lucille Zahina, Pianist.
Miss Evelyn Carpenter, Pianist & Vocalist.
Vince Chewning, Accordian & Saxophone Soloist.
Elmer Schadle, Electric Hawaiian.
Clarence Zahina, Accordian.
Juanita Heim, Pianist.
Almeda Stonebraker, Music Teacher & Pianist.
Geo. Thalhammer, Accordian.
John Kirchen (Cascade), Violinist.
Joe Chevalier, Spanish Guitar Soloist.
429 Red Hittenmiller, Singing Cowboy; Guitar.
John Duffy, Coronet.
Robt. Winders, Trombone.
Delos Kemp, Clarinet.
Mary Grabo, Trombone.
Jos. Lambert, Alto Clarinet.
Martin Koenig, Trombone.
Philip Lochner, Trumpet.
Phillip Chamberlin, Saxophone.
Robert Didesch, Saxophone.
Robert Fosselman, Saxophone.
Geo. Hagge, Coronet.

Wm. Clemens, Jr., Saxophone.
Melvin Osterhaus, Trombone.
Violet Zapeski, Accordian.
Betty Jane Lyons, Saxophone.
Robt. Sullivan, Clarinet.
Jimmy O'Rourke, Accordian.
Kenneth Cullen, Alto Clarinet.
Chas. Sullivan, Accordian.
Mary Cunningham, Guitar.
Melvin & Leonard Renk, Guitar-Accordion Combination.
Cliff Healey, Coronet.
Cletus Althoff, Accordian.
Eldred Sprague, Coronet.
Mildred Kaiser, Guitar.
Finley Hospital Dietician.
Mercy Hospital Dietician. Care of Infants—Sunshine Circle—Finley Hospital.
City Librarian.

ACTUAL CONTACTS

Firm	Officer
J. F. Stampfer Co	Frederick F. Stampfer.
Mullen Bros	J. W. Lundin.
Edwards Style Shop	Ralph Ehrlich.
Juergens & Sons*	A. P. Jergens.
Dubuque Building & Loan Assn	H. R. Hangar.
Sommerfeld's Cleaners*	Fred Sommerfeld.
Hartman's Furniture Co.*	Carl Hartman.
Midwest Lumber Co.*	Joe Kopp.
Genz Stores	Ado Genz.
L. B. Wertz Meat Market	L. B. Wertz.
Interstate Power Co.	C. E. Dove.
Midwest-Timmerman Co.*	G. J. Timmerman.
Dubuque Star Brewery*	Joe Rhomberg (Dissatisfied with owners).
Belsky Motor Co.*	Max Belsky (Cost too high).
Grant Theatre Corp.*#	Melville Galliart.
A & P. Stores	C. J. May.
Kies Electric Inc.*	Peter Kies (Too costly).
Geisler Bros	A. P. Geisler.
Tradehome Shoe Store	L. G. Schaffert.
Firestone Service Station*	H. J. Nachtman.
City Meat Market	Ernie Pfalsgraf.
Mulligan Battery & Electric*	W. J. Mulligan.
Walgreen Co.	E. R. Laury.
R. Herrmann & Son Furniture*	Henry Hermann (Too expensive).
Leith Furniture Store*#	L. F. Kessler.
430 Packing House Market (WMT).	Mr. Katz (Did not produce quick sales).
Sherman's Pure Food Store	Benny Sherman.
Buy-Rite Stores*	R. Weirich (Results didn't warrant).
Styleez Shoe Store	Harry Bott.
E. M. Jaeger Hardware Co.*	Lester Schwimm (Dealer tie-up).
Jordan-Fields Clothing Co.*	Kirk A. Boggs (Spring Season).
Linehan & Molo*	Bart Molo.
Wards Market	Jay Ward.
Big Shoe Store	S. Swartz.

Firm.	Officer
The Parisian	Miss L. Dangelmeyer.
Kinney Shoe Store*	L. Kilbaus (Appropriation exhausted).
Nachtman's Market	August Nachtman.
Roehl-Phillips Furniture Co	Henry T. Roehl.
Kretz Cafeteria	E. R. Kretz.
Key City Gas Co	Chas. McLean.
Renier Music House*	Irwin Renier.
Landon Furriers*	Chas. Landon (Lacked coverage).
Model Wall Paper & Paint Co.*	L. Giegerich (Seasonal).
Ruprecht Bros.*	Al. Ruprecht (Time unsuited).
Lange Dying & Cleaning Works*	J. W. Lange (Time Unsuited & Service).
The Hub Clothiers*	Dalton Urbach (Unsatisfactory results).
Farley-Loetscher Mfg. Co	C. A. Ihrcke & Arnold Loetscher.
Holscher Apothecary*	G. H. Holscher.
Haltenhoff & Smith, Florists	Fred A. Haltenhoff.
Humke Bakery	O. Humke.
Crystal Ballroom	Roy Bartels.
Kassler Motor Co.*	Lewis Belsky.
Hartig Drug Co.*	Dave Hartig (One week).
Fitzpatrick Sporting Goods	W. E. Fitzpatrick.
Klauer Shoe Store*	Geo. M. Khauer.
Name	Officer.
Dubuque Tire & Batter Co	Chas. Reckord.
Sipbing Jewelry Store*	Nat. Tegunes (Seasonal).
Fuhrman-Triller Clothing	Fred Fuhrman.
Berg-Arduser Co., Jewelries	Harry Berg.
Montgomery-Ward*	E. J. Zinn (Joplin, Mo., station).
Golden Eagle*	Max Berk.
Kraft Clothing Store—*#	C. Goerdt.
Enzler Trunk & Luggage*	Joe A. Enzler (Used occasionally).
Iowa Wall Paper & Paint Co.*	Leo Hintgen (Seasonal).
Rhomberg Fur Co.*	Carl J. Rhomberg (Unsatisfactory results).

[Endorsed:] Docket No. 3967. App. Exhibit 6. Hearing before Federal Communications Commission 9/15/36. Ward & Paul, Official Reporters.

431

3967 App. Ex. #7

Measurements made 40 miles West Dubuque, Ia., July 20th, 1936.

Station	Frequency	Distance	Time (P. M.)	Millivolts/Meter
WIND	560	220	1:00	.056
WMT	600	30	1:05	7.702
WTMJ	620	180	1:08	.110
WOI	640	110	1:12	.623
WMAQ	670	181	1:18	.540
WGN	720	178	1:22	.110
WBBM	770	183	1:25	.318
WCCO	810	175	1:30	.248
WENR	870	184	1:35	.225
WSAI	880	60	1:40	1.249
WHA	940	115	1:43	.062
WCFL	970	184	1:48	.040
WHO	1000	210	1:55	.045
WJJD	1030	184	1:59	.030
WIBA	1280	115	2:05	.055
WOC	1370	80	2:10	.028
WHBF	1210	85	2:14	.033
WKBB	1500	40	2:20	.165

Measurements made 20 Miles West Dubuque, Ia., July 20th, 1937.

Station	Frequency	Distance	Time (A. M.)	Millivolts/Meter
WIND	560	200	9:00	.080
WMT	600	41	9:05	4.250
WTMJ	620	165	9:08	.154
WOI	640	130	9:15	.355
WMAQ	670	166	9:18	.718
WGN	720	160	9:22	.678
WBBM	770	168	9:25	.330
WCCO	810	184	9:30	.240
WENR	870	164	9:35	.225
WSUI	886	65	9:40	.880
WHO	1000	130	9:43	.570
WJJD	1130	167	9:48	.101
WIBA	1280	96	9:51	.110
WKBB	1500	20	9:58	.880

432 Measurements made at West City Limits, Dubuque, Ia., July 18th, 1936.

Station	Frequency	Distance	Time (P. M.)	Millivolts/Meter
WIND	560	182	6:15	.189
WMT	600	56	6:17	2.850
WTMJ	620	148	6:19	.228
WOI	640	148	6:22	.235
WMAQ	670	140	6:24	1.090
WGN	720	134	6:27	1.010
WBBM	770	140	6:30	.640
WCCO	810	195	6:32	.208
WENR	870	147	6:34	.225
WSUI	880	68	6:36	.708
WHO	1000	748	6:40	.455
WIBA	1130	138	6:43	.190
WHBF	1280	78	6:45	.168
WOC	1210	74	6:48	.051
WKBB	1370	67	6:50	.045
	1300	4	7:00	9.350

433 Measurements made in Center of Dubuque, Ia., July 19th, 1936.

Station	Frequency	Distance	Time (P. M.)	Millivolts/Meter
WIND	560	181	5:00	.080
WMT	600	56	5:03	2.655
WTMJ	620	147	5:05	.255
WOI	640	149	5:07	.240
WMAQ	670	138	5:10	1.080
WGN	720	132	5:14	.800
WBBM	770	138	5:18	.630
WCCO	810	195	5:21	.188
WENR	870	145	5:25	.370
WSUI	880	70	5:28	.785
WAAF	920	166	5:32	
WHA	940	77	5:38	.160
WCFL	970	145	5:43	.080
WHO	1000	149	5:45	.235
WJJD	1130	135	5:48	.129
WIBA	1280	77	5:50	.189
WHBF	1210	72	5:53	.054
WOC	1370	63	5:55	.045
WKBB	1500	3.5	6:00	13.220

434 **Measurements made at East City Limits of Dubuque, Ia., July 19th, 1936.**

Station	Frequency	Distance	Time (P. M.)	Millivolts/ Meter
WIND	560	180	3:15	.137
WMT	600	57	3:18	2.650
WTMJ	620	146	3:21	.398
WOI	640	150	3:25	.235
WMAQ	670	137	3:30	1.095
WGN	720	131	3:33	1.021
WBBM	770	137	3:35	.805
WCCO	810	195	3:40	.159
WENR	870	144	3:43	.540
WSUI	880	70	3:45	.888
WAAF	920	165	3:48	.025
WHA	940	76	3:55	.090
WCFL	970	144	3:58	.089
WHO	1000	150	4:01	.268
WJJD	1130	138	4:05	.137
WIBA	1280	76	4:08	.219
WHBF	1210	72	4:12	.056
WOC	1370	65	4:16	.950
WROK	1410	86	4:20	.068
WKBB	1500	2	4:25	31.050

435 **Measurements made 20 Miles East of Dubuque, Ia., July 19th, 1936.**

Station	Frequency	Distance	Time (P. M.)	Millivolts/ Meter
WIND	560	150	1:15	.318
WMT	600	70	1:18	1.750
WTMJ	620	125	1:22	.410
WOI	640	170	1:25	.185
WMAQ	670	117	1:28	2.140
WGN	720	108	1:31	1.650
WBBM	770	117	1:35	1.210
WCCO	810	218	1:40	.095
WENR	870	124	1:48	.618
WSUI	880	70	1:52	.788
WAAF	920	124	1:56	.052
WHA	940	67	2:00	.255
WCFL	970	124	2:05	.118
WHO	1000	180	2:09	.[illegible]
WJJD	1130	103	2:14	.[illegible]
WIBA	1280	67	2:20	.275
WHBF	1210	70	2:25	.064
WOC	1370	65	2:30	.056
WROK	1410	65	2:33	.103
WKBB	1500	20	2:35	.815

436 Measurements made 40 Miles East of Dubuque, Ia., July 19th, 1936.

Station	Frequency	Distance	Time (A.M.)	Millivolts/Meter
WIND	560	140	10:05	.400
WMT	600	84	10:08	1.225
WTMJ	620	106	10:10	.650
WOI	640	190	10:12	.151
WMAQ	670	95	10:15	3.625
WON	720	90	10:18	2.650
WBBM	770	93	10:20	1.880
WCCO	810	232	10:25	.135
WENR	870	102	10:28	1.195
WSUI	880	91	10:31	.387
WAAF	920	124	10:35	.092
WHA	940	57	10:40	.298
WCFL	970	102	10:43	.221
WHO	1000	170	10:46	.238
WCBD	1080	100	10:51	.120
WJJD	1130	90	10:55	.448
WIBA	1280	56	10:59	.434
WHBF	1210	70	11:04	.061
WOC	1370	65	11:10	.036
WROK	1410	43	11:15	.290
WKBB	1500	40	11:20	.121

437 [Endorsed:] Docket No. 3967. App. Exhibit 8. Hearing before Federal Communications Commission 9/15/36 Ward & Paul, Official Reporters.

439 [Endorsed:] Docket No. 3967. App. Exhibit 9. Hearing before Federal Communications Commission 9/15/36. Ward & Paul, Official Reporters.

Calculated Populations Within Service Areas of Proposed Station Dubuque Telegraph-Herald, Dubuque, Iowa

Field intensity mv/m	Radius miles	Population
10	7.5	51,300
2	18	81,000
0.5	35	136,320
0.25	48	292,900
0.1	70	681,530

[Endorsed:] Docket No. 3967. App. Exhibit 10. Hearing before Federal Communications Commission 9/15/36. Ward & Paul, Official Reporters.

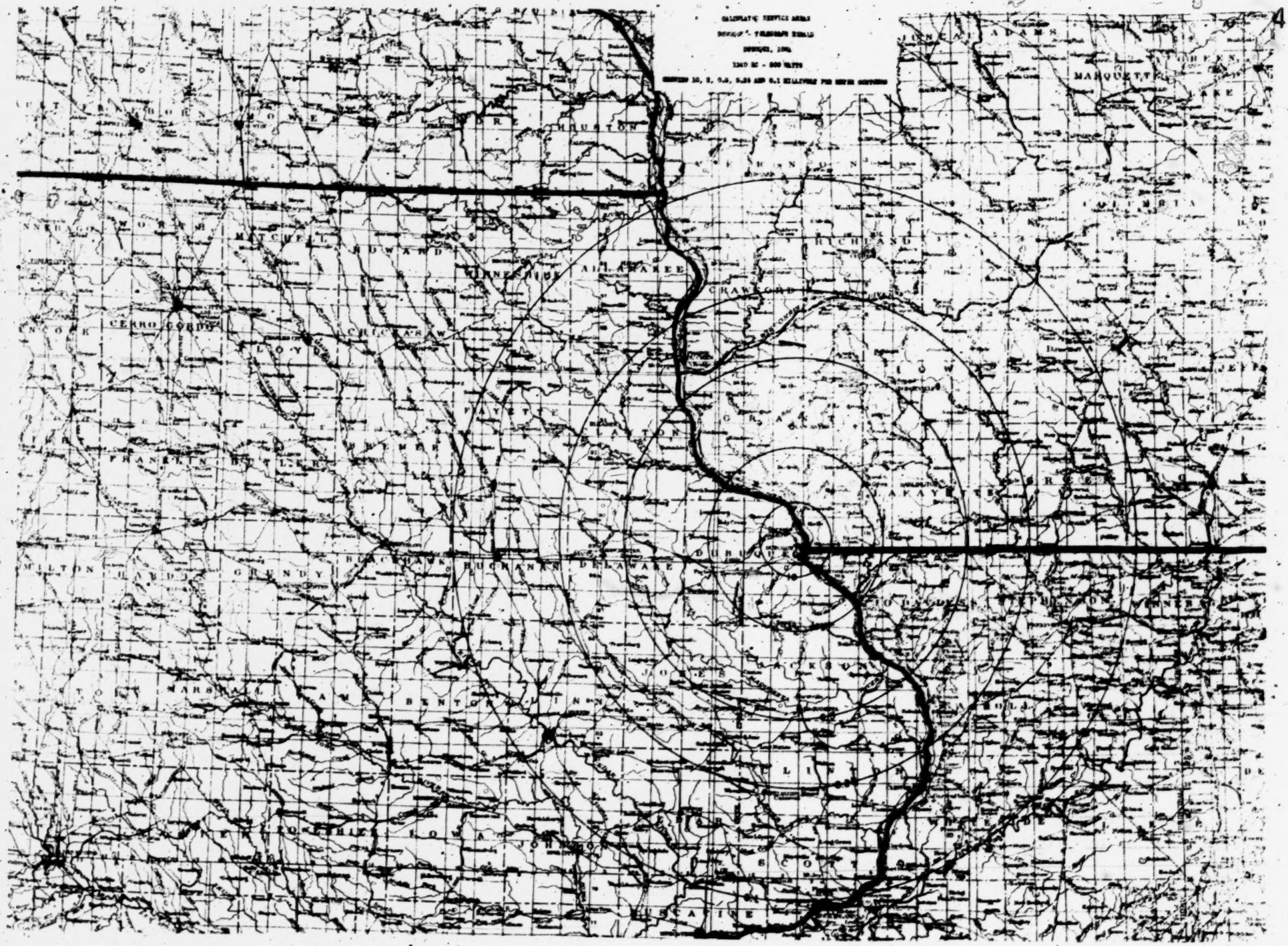

CALCULATED SERVICE AREAS
BROADCAST TELEVISION STATIONS
CHANNEL 10A
1240 KW - 600 METERS
CONTOURS 10, 5, 0.5, 0.25 AND 0.1 MILLIVOLTS PER METER (DASHED)
MARQUETTE
ADAMS
HOUSTON
WINNESHIEK
ALLAMAKEE
CLAYTON
CERRO GORDO
FLOYD
CHICKASAW
FAYETTE
CLAYTON
FRANKLIN
BUTLER
BLACK HAWK
BUCHANAN
DELAWARE
DUBUQUE
GRUNDY
MARSHALL
BENTON
LINN
JONES
JACKSON
CLINTON
SCOTT
MUSCATINE
LOUISA

Chart Showing Service Available From All Other Stations, Within the Area Which Will Be Served by the Station of the Dubuque Telegraph-Herald.

40 miles west 0.5 mv/m or greater	20 miles west 0.5 mv/m or greater	West city limits 2 mv/m or greater	Center of Dubuque 10 mv/m or greater	East city limits 2 mv/m or greater	20 miles east 0.5 mv/m or greater	40 miles east 0.5 mv/m or greater
WMT WOI WMAQ WSUI WHO	WMT WMAQ WSUI WHO WGN WKBB	WMT WKBB	WKBB	WMT WKBB	WMT WMAQ WSUI WGN WKBB WBBM WENR	WMT WMAQ WGN WBBM WENR WTMJ

440 3967 App. Ex. #11

WKBB Broadcast for September 6, 1936

Title broadcast period	Local talent	Transc.	A. B. C. network	Sponsor
Musical Clock		60 Min		McFadden Coffee.
On Wings of Song		15 Min		Quality Supply Co.
Secrets of Happiness		15 Min		Sustaining.
Musical Breakfast		15 Min		Lorenz Laundry.
Mother Clancey's Friends			15 Min	Sustaining.
Country Church			15 Min	Sustaining.
Transradio News	(Studio Announcer) 5.			Sustaining.
Carefree Capers		10 Min		Felix Becker.
Homemakers Program		15 Min		Sustaining.
Morning Musicale		15 Min	15 Min	T. J. Mulgrew Co.
Melody Lane			15 Min	Sustaining.
News	5 Min			Mulligan Battery.
Anson Weeks & Orch		10 Min		Sustaining.
Fashion Parade			15 Min	Sustaining.
Pianist			15 Min	Sustaining.
Little Miss Fixitup			15 Min	Sustaining.
Henry Waxman's Orch			30 Min	Hotel Julien & Schmitz & Kato.
Farm Flashes	Announ. 10 Min	5 Min		Sustaining.
Dental Talk	Announ. 5 Min	10 Min		Dub. Stone Prod.
World News Flashes	Announ. 15 Min			Appel's Crystal & Flynn Coal Co.
Man on the Street	Announ. 15 Min			Leath's Furnit.
Song Hit of the Day		5 Min		Kraft Clothing.
Pop Concert		10 Min		Sustaining.
Society News	Editor 5 Min	10 Min		Sustaining.
Mail Bag	Announ. 30 Min			Hill Top & Mulgrew Co.
Baseball			110 Min	Campana Co.
Henry Waxman Orch			10 Min	Sustaining.
Jane Harvey			15 Min	Sustaining.
Henry Waxman Orch			30 Min	Mathey Chevrolet.
Kids Next Door			15 Min	Sustaining.
Jack Durands Orch			15 Min	Melody Mill.
Stories in Song			15 Min	Sustaining.
Arthur Linder Orch			45 Min	Sustaining.
Old Lamplighter			15 Min	Carter Pills.
Uncle Tom		15 Min		Myers-Cox & La Fendrich Cigar.
Sport Review	Announ. 10 Min	20 Min		Patch Beverage Co.
Serenade		15 Min		Trausch Baking.
World Dances		15 Min		Sustaining.

WKBB Broadcast for September 6, 1936—Continued

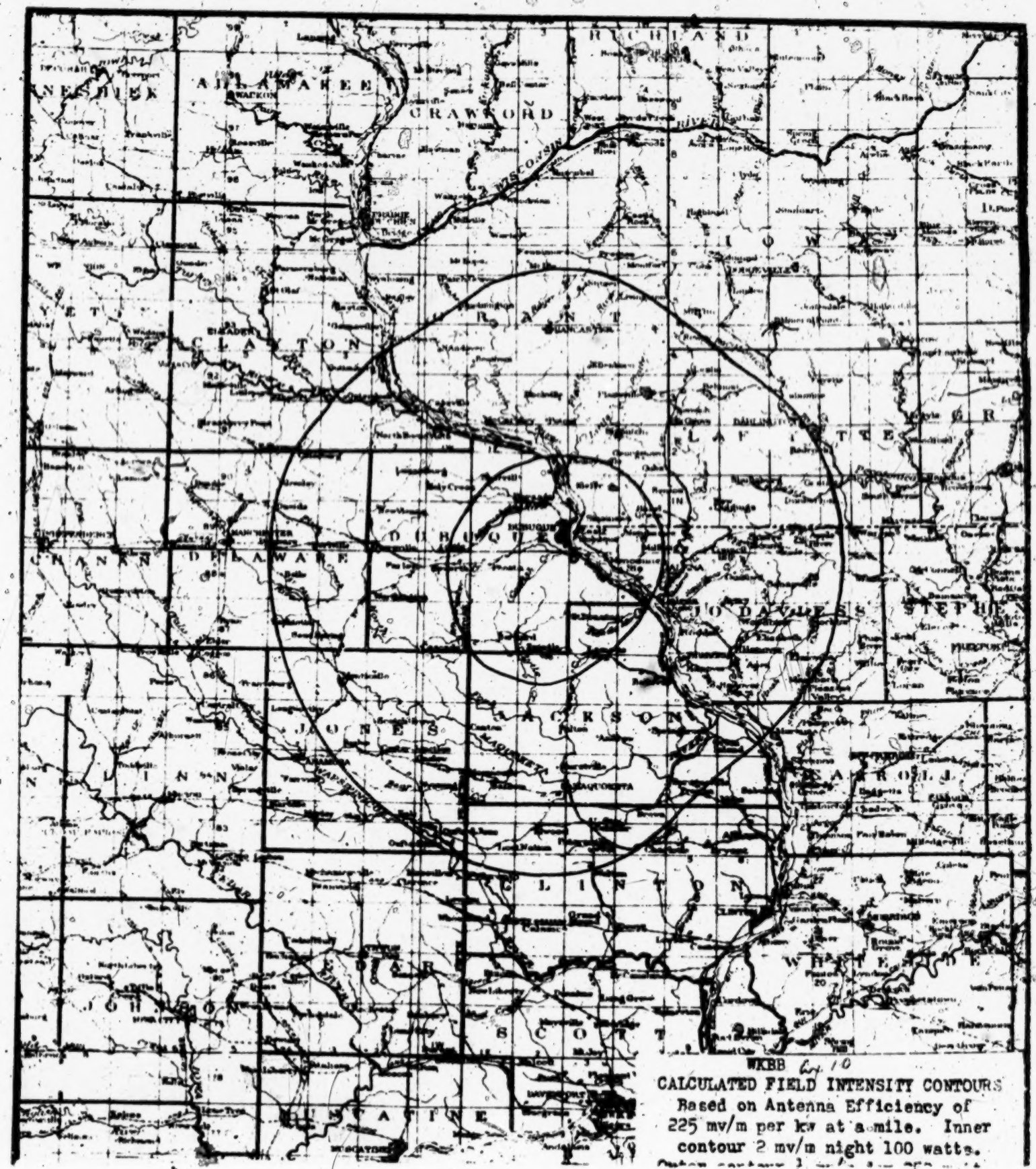
Title, broadcast period	Local talent	Transc.	A. B. C. network	Sponsor
Movie News	Announ. 2 Min			Avon, Strand, Grand.
World News Flashes	Announ. 13 Min.			Roshek Bros. Co.
Grant Park Concert			45 Min	Patch Beverage.
Rubinoff's Orch		15 Min		Melody Mill.
Cosmopolitan Quartett		15 Min		Sustaining.
John Dietz, Accordion	15 Min			Sustaining.
Dance			20 Min	Sustaining.
Earnie Palmquist & Orch.	40 Min			Melody Mill.
Mike & Ole			15 Min	Sustaining.
A. B. C. of the News			15 Min	Sustaining.
Earnie Palmquist & Orch.	30 Min			Melody Mill.

441 WKBB Broadcast for September 2, 1936

Slumber Music			15 Min	Sustaining
Organ			15 Min	Sustaining
Sign Off				
Total	170 Min	290 Min	300 Min	
Studio Announcer	115 Min			
Local Artist	15 Min			
Sponsored Orchestra	40 Min			
Percentage	18%	30%	52%	

[Endorsed:] Docket No. 3967. App. Exhibit 11. Hearing before Federal Communications Commission 9/16/36. Ward & Paul, Official Reporters.

[Endorsed:] Docket No. 3967. App. Exhibit 12. Hearing before Federal Communications Commission 9/16/36. Ward & Paul, Official Reporters.



WKBB Exp. 10

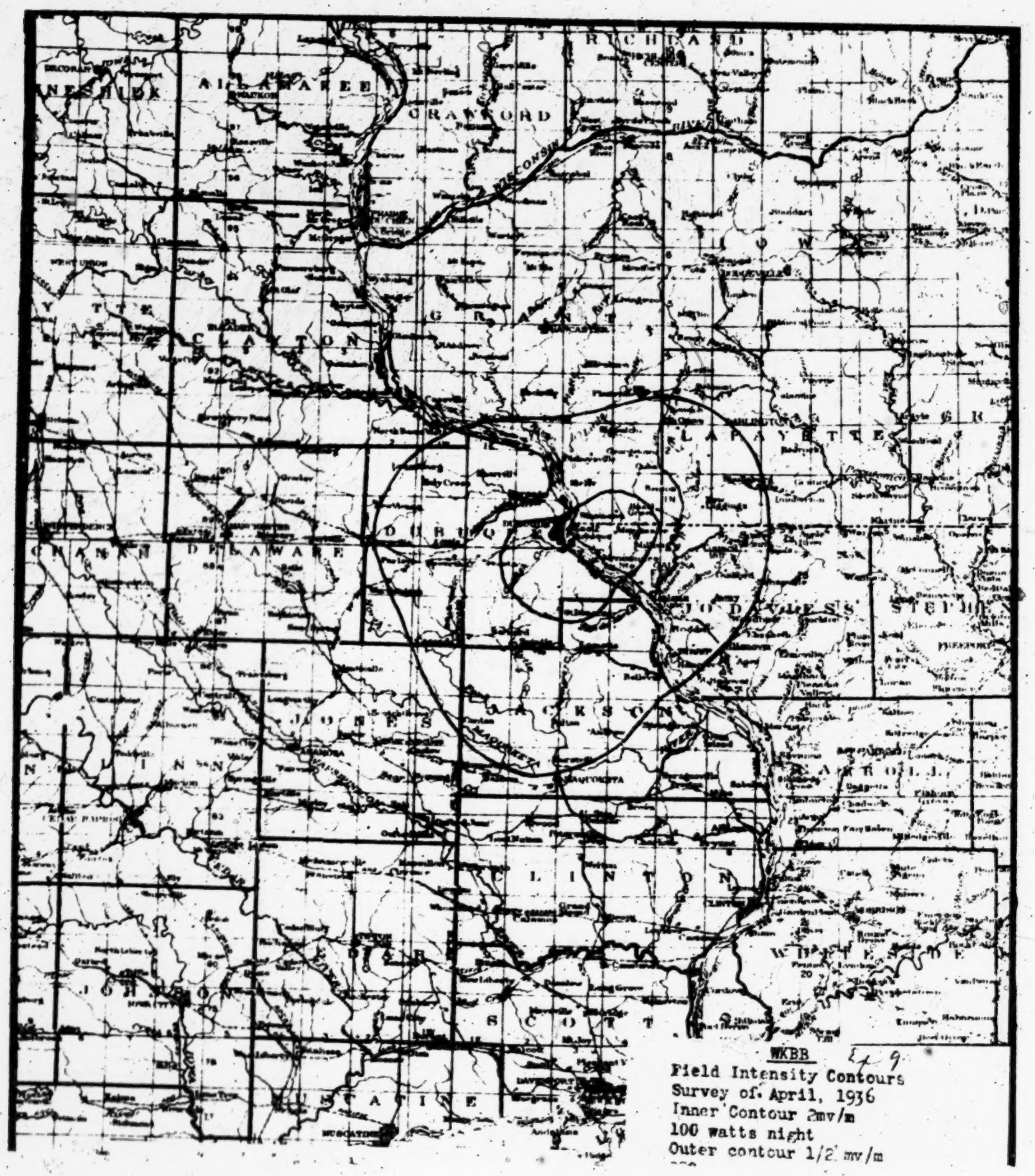
CALCULATED FIELD INTENSITY CONTOURS
Based on Antenna Efficiency of
225 mv/m per kw at a mile. Inner
contour 2 mv/m night 100 watts.

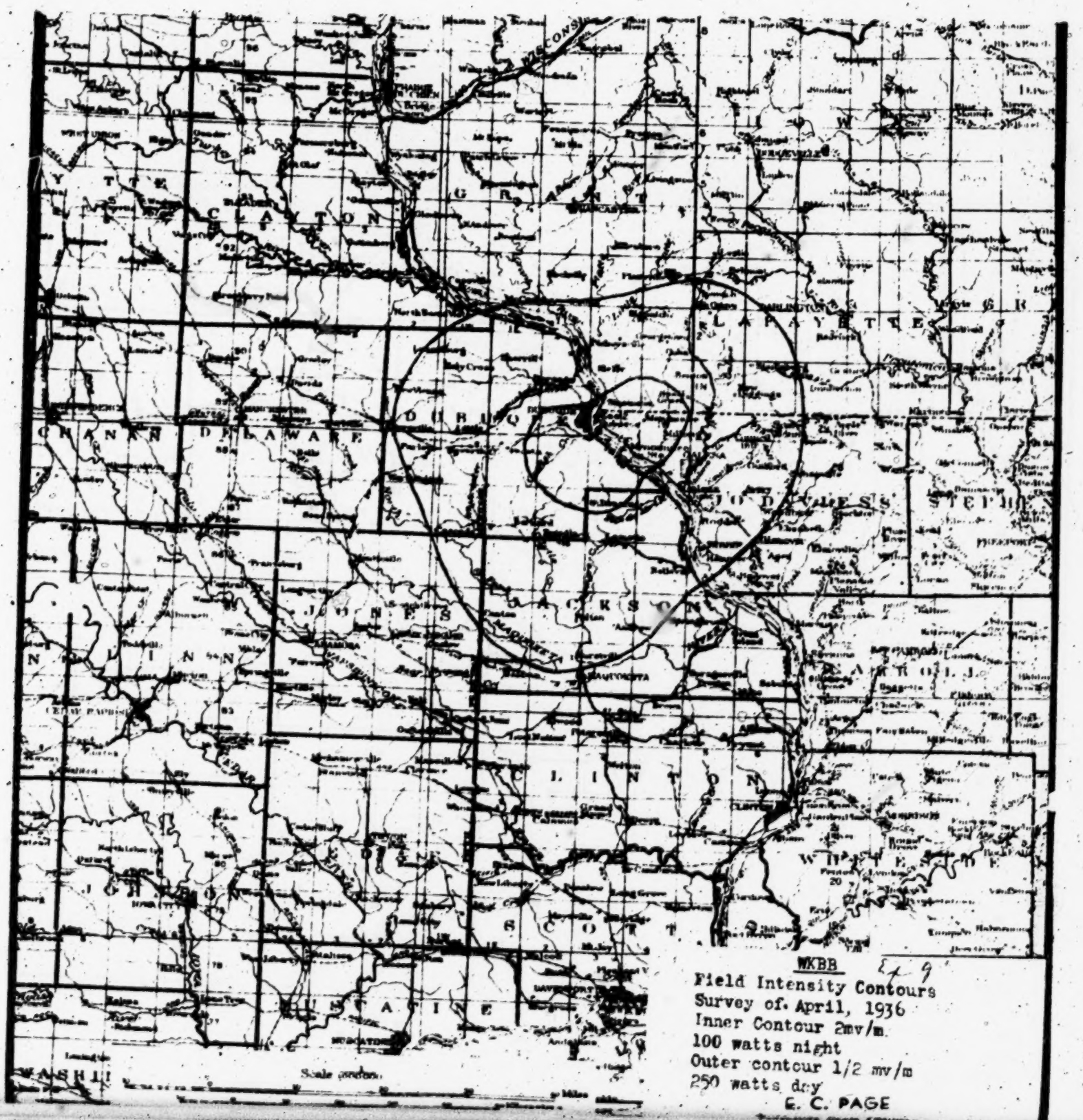
U.S. GOVERNMENT PRINTING OFFICE: 1938—O-2

WKBB Ex #10

CALCULATED FIELD INTENSITY CONTOURS
Based on Antenna Efficiency of
225 mv/m per kw at a mile. Inner
contour 2 mv/m night 100 watts.
Outer contour ½ mv/m day 250 watts.

E. C. PAGE


RICHLAND
CRAWFORD
WISCONSIN
CLAYTON
GRANT
LAFAYETTE
DELAWARE
JONES
JACKSON
CLINTON
SCOTT
WKBB
Field Intensity Contours
Survey of April, 1936
Inner Contour 2mv/m
100 watts night
Outer contour 1/2 mv/m



WKBB

Field Intensity Contours
Survey of April, 1936
Inner Contour 2mv/m.
100 watts night
Outer contour 1/2 mv/m
250 watts day

E. C. PAGE

U. S. GOVERNMENT PRINTING OFFICE: 1938—O-280811

WKBB Broadcast for September 6, 1936

Title broadcast period	Local talent	Transc.	A. B. C. network	Sponsor
United Church Service	30 Min			Sustaining.
Funnies			30 Min	Sustaining.
Melody Parade		60 Min		S. A. Hill Top & Prophetic Taber.
Young Artists			15 Min	Sustaining.
Loomis & Piers			15 Min	Sustaining.
First Aid			15 Min	Sustaining.
World Show		15 Min		Sustaining.
Americana	3 Min	27 Min		Sustaining.
Baseball			240 Min	Campana.
News Come to Life			30 Min	Remington-Rand.
Baseball			30 Min	Campana.
Let's Go Places		30 Min		Eagle Garage, Platte Cole Co., Dyersville
World Entertains		30 Min		S. A. Melody Mill.
Serenade			30 Min	Mathey Chev. Larson Bros. & Melloy.
Grant Park Concert			45 Min	Grand-Strand-Avon.
Dance Orchestra			15 Min	Melody Mill.
Echoes of the Stage		30 Min		Sustaining.
Ted Wayne	15 Min			Melody Mill.
Bedtime Stories			15 Min	Sustaining.
Ted Wayne	15 Min			Melody Mill.
Symphony Orchestra			15 Min	Sustaining.
Dance Orchestra			15 Min	Sustaining.
Ted Wayne	15 Min			Melody Mill.
Dance Orchestra			15 Min	Sustaining.
Fate			15 Min	Sustaining.
Slumber Music			15 Min	Sustaining.
Organ, Jane Harvey			15 Min	Sustaining.
Sign Off				
Total	78 Min	192 Min	570 Min.	
Percentage	9%	23%	68%	

443 [Endorsed:] Docket No. 4031. WKBB Exhibit 9. Hearing before Federal Communications Commission 9/15/36. Ward & Paul, Official Reporters.

445 [Endorsed:] Docket No. 4031. WKBB Exhibit 10. Hearing before Federal Communications Commission 9/15/36. Ward & Paul, Official Reporters.

447 [Endorsed:] Docket No. 4031. WKBB Exhibit 11. Hearing before Federal Communications Commission 9/15/36. Ward & Paul, Official Reporters.

POPULATION DATA

Number of Inhabitants Residing within Certain Contours of WKBB

	Ill.	Wis.	Iowa	Total
½ mv.—Daytime—250 watts—Present location	10, 117	11, 500	73 369	94, 986
2 mv.—Nighttime—100 watts—Present location	4, 750	2, 235	43, 944	50, 929
½ mv.—Daytime—250 watts—Proposed location	15, 175	35, 000	103, 838	154, 013
2 mv.—Night—100 watts—Proposed location	6, 900	2, 850	49, 127	60, 725

County	State	Population	Distance from Dubuque to Center to Extreme Edge
Dubuque	Iowa	61, 214	10 miles 27 miles
Delaware	Iowa	18, 122	35 " 49 "
Jones	Iowa	19, 206	35 " 52 "
Jackson	Iowa	28, 481	25 " 40 "
Clayton	Iowa	24, 559	43 " 63 "
Grant	Wisconsin	38, 469	25 " 50 "
Lafayette	Wisconsin	18, 649	35 " 48 "
Iowa	Wisconsin	20, 036	41 " 65 "
Jo Daviess	Illinois	20, 235	22 " 43 "
Carroll	Illinois	18, 433	48 " 65 "
Stephenson	Illinois	40, 064	55 " 69 "

448 [Endorsed:] Docket No. 4031. WKBB Exhibit 12. Hearing before Federal Communications Commission 9/16/36. Ward & Paul, Official Reporters.

Daytime service at Dubuque, Iowa measured April 9, 1936

Station	Frequency	Intensity MV/M	Station	Frequency	Intensity MV/M
KSTP	1, 460	012	WBBM	770	.420
KSO	1, 430	038	WGN	720	1. 080
WOC	1, 370	103	WLW	700	.057
WIBA	1, 280	490	WMAQ	670	1. 450
W??	1, 210	030	WOI	640	.257
WJJD	1, 130	225	WTMJ	620	.267
WCBD	1, 080	052	WMT	600	2. 620
WHO	1, 000	527	WOW	590	.039
WGES	970	085	WNA	570	.052
WENR	870	268	WIND	560	.358
WCCO	810	018			

At this point WKBB 1500 kc. 17.5 MV/M.

449. [Endorsed:] Docket No. 4031. WKBB Exhibit 13. Hearing before Federal Communications Commission 9/16/36. Ward & Paul, Official Reporters.

Sanders Brothers Broadcasting Station, Balance Sheet as at August 31, 1936

Current Assets:		
Cash		5,874.65
Accounts Receivable	11,144.31	
Less Reserve For Bad Debts	2,509.23	8,635.08
Fixed Assets:		
Automobile	1,036.00	
Less Reserve for Depreciation	663.00	373.00
Real Estate (Land)		1,300.00
Building Transmitter	3,750.00	
Less Reserve for Depreciation	468.75	3,281.25
Transmitter Building Furniture and Fixtures	3,857.97	
Less Reserve for Depreciation	1,000.00	2,857.97
Studio Furniture	1,418.87	
Less Reserve for Depreciation	300.00	1,118.87
Furniture and Fixtures	609.40	
Less Reserve for Depreciation	152.35	457.05
Transmitter and Towers	16,700.00	
Less Reserve for Depreciation	10,437.50	6,262.50
Remote-Control Equipment	2,000.00	
Less Reserve for Depreciation	1,750.00	250.00
		30,410.37
Current Liabilities:		
Accounts Payable		8,206.27
Accounts Payable (W. E. Klauer)		1,845.23
Capital Stock	23,000.00	
Surplus Deficit	4,641.13	20,358.87
		30,410.37

450 [Endorsed:] Docket No. 4031. WKBB Exhibit 14. Hearing before Federal Communications Commission 9/16/36. Ward & Paul, Official Reporters.

Sanders Brothers Broadcasting Station, Profit and Loss Statement for Eight-Month Period Ended August 31, 1936

Time Programs		21,858.74
Less Allowances		405.17
Total Income from Broadcasting		21,453.57
Operating Expense:		
Salaries	8,684.50	
Fuel	312.87	
Light and Power	415.33	
Traveling Expense	596.63	
Dues and Subscriptions	9.75	
Music and Records	1,070.97	
News Service	1,143.77	
Freight	4.19	
Water Service	12.00	
Advertising and Sales Promotion	122.50	
Maintenance and Repairs	575.94	
Office Supplies	145.32	
Insurance	33.08	
Telegraph and Telephone	649.94	
Taxes	54.11	
A. S. C. A. P., Etc	983.51	
Legal Expense, Etc	1,732.49	16,546.90
Net Profit from Broadcasting		4,906.67

Sanders Brothers Broadcasting Station, Profit and Loss Statement for Eight-Month Period Ended August 31, 1936—Continued

Other Expense:		
Depreciation	2,894.72	
Reserve for Bad Debt Losses	2,487.23	5,381.95
Net Loss		475.28
Surplus:		
December 31, 1935, Deficit		4,165.85
August 31, 1936, Deficit		475.28
		4,641.13

451 [Endorsed:] Docket No. 4031. WKBB Exhibit 15. Hearing before Federal Communications Commission 9/16/36. Ward & Paul, Official Reporters.

Estimated Cost of Moving WKBB From East Dubuque, Illinois, to Dubuque, Iowa

Tower	$4,000.00
Ground	500.00
Building	5,000.00
Land [1]	3,000.00
Land Improvements	1,000.00
Moving and Installation of Equipment and Fixtures	1,500.00
Total	$15,000.00

[1] Undetermined whether land will be purchased or leased.

[Endorsed:] Docket No. 4031. WKBB Exhibit 16a. Hearing before Federal Communications Commission 9/16/36. Ward & Paul, Official Reporters.

WKBB Personnel

President, W. E. Klauer; Vice President, W. H. Klauer; Secretary, E. A. Deutmeyer; Treasurer, J. D. Carpenter; Program Director, Gilbert H. Forbes; Continuity Director, Arthur S. Jones; News Editor, A. M. Link; Chief Engineer, Leonard Carlson; Bookkeeper, Marianne Steinbach; Announcers, Gilbert H. Forbes, Arthur S. Jones; Engineers, Leonard Carlson, Leon Braulin, Stanley Beek; Copy Writers, A. M. Link, Gilbert H. Forbes, Arthur S. Jones; Society Editor, Marianne Steinbach; Stenographer, Ethel Carpenter; Sales; W. E. Klauer, J. D.
452 Carpenter, Arthur S. Jones; Staff Musical Talent, Gilbert H. Forbes, Arthur S. Jones, Mariam Moser, Eileen Kaizer, Ethel Carpenter.

[Endorsed:] Docket No. 4031. WKBB Exhibit 18. Hearing before Federal Communications Commission 9/16/36. Ward & Paul, Official Reporters.

Network and Local Program Division, Aug. 30th to Sept. 12th

Total Time, 220 hours.
"ABC" Network, 126:05 hours—57%.
Local, 93:55 hours—43%.
(E. Dubuque Studio, 52:45 hours—24%.)
(Dubuque Studio, 41:10 hours—19%.)
[Endorsed:] Docket No. 4031. WKBB Exhibit 19. Hearing before Federal Communications Commission 9/16/36. Ward & Paul, Official Reporters.

Talent and Transcription Analysis, Aug. 30th to Sept. 12th inc. (two weeks)

"Live" Talent, 161:45 hours—73.5%.
Transcriptions, 32:50 hours—14.9%.
Phonograph Records, 25:25 hours—11.6%.
Total, 220 hours—100.0%.
[Endorsed:] Docket No. 4031. WKBB Exhibit 20. Hearing before Federal Communications Commission 9/16/36. Ward & Paul, Official Reporters.

Program Analysis, Aug. 30th to Sept. 12th (inc.) (two weeks)

Popular Music, 67:35 hours—30.7%.
Sports, 34:10 hours—15.5%.
Semi-Classical Music, 29:35 hours—13.4%.
News, 18:55 hours—8.6%.
Educational (Exclusive), 17:55 hours—8.2%.
Dramatics, 14:45 hours—6.7%.
453 Classical Music, 12:20 hours—5.6%.
Children's programs, 6:00 hours—2.7%.
Religious programs, 4:15 hours—1.9%.
Folk Music, 3:45 hours—1.8%.
Farm (Exclusive), 2:45 hours—1.3%.
Civic, Special Events, and Miscellaneous, 8:00 hours—3.6%.
Total, 220 hours—100%.
[Endorsed:] Docket No. 4031. WKBB Exhibit 21. Hearing before Federal Communications Commission 9/16/36. Ward & Paul, Official Reporters.

Commercial Analysis, Aug. 30th to Sept. 12th inclusive (two weeks)

Number of quarter hours operated, 880.
Number of quarter hours sponsored, 269.
Number of spot announcements, 250.

Actual time consumed by commercial copy, 13:01 hours.
Percent of time consumed by commercial copy, 6%.
[Endorsed:] Docket No. 4031. WKBB Exhibit 22. Hearing before Federal Communications Commission 9/16/36. Ward & Paul, Official Reporters.

WKBB Program Analysis, April 1 to Sept. 12, 1936

Days Operated—165.
Hours Operated—2,561 (test programs not included).
Daily Average—15½ hours.
Present Operating Schedule:
Weekdays—16 hours—7:00 A. M. to 11:00 P. M.
Sundays—14 hours—9:00 A. M. to 11:00 P. M.

Number of Educational Programs Broadcast—834

Organization broadcasts, 126 quarter hours—including Y. M. C. A.; C. Y. O.; Hull House; Field Museum; University of Chicago; Household Science Institute, etc.

Health Talks, 28 quarter hours—made by local doctors and dentists.

454 Parent-Teachers Assn., 19 quarter hours—11 local by Mrs. Raymond French and 8 over ABC.

Americanism programs, 8 quarter hours—conducted by American Legion Americanism Committee; contest among high school students for best speakers on subject.

First Aid programs, 20 quarter hours—a once-a-week feature giving timely instruction in home treatments.

Homemakers' programs, 142 quarter hours—timely advice on interior decoration, household problems, etc.

Fashion Parade, 126 quarter hours—discussions of style trends and advice on purchases, etc.

Book reviews, 21 quarter hours—reviews of current "best sellers."

Dubuque history and travel, 15 quarter hours—reminiscences of Bertha Lincoln Huestis.

Weather Bureau, 142 five-minutes—complete weather reports and forecasts for tri-state area, river forecast and bulletins.

World Bookman, 142 five-minutes—discussions of timely topics and odd facts.

Humane Society, 5 five-minutes—discussions of animals during Humane Week.

Civic Music Association, 4 ten-minutes—explanation of association and talks on music appreciation.

Navy Programs—semi-weekly talks by recruiting officer.

"Special Day" programs, 2 half hours, 1 hour, 5 quarter
455 hours—Flag Day, ½ hour; Memorial Day, 1 hour; Grand Army Day, ¼ hour; Close of public schools, two ¼ hours; Close of parochial schools, two ¼ hours; Fourth of July, ½ hour.

Miscellaneous, 23 quarter hours—talks by: City Manager Evans; Chief of Police Gillies; City School Superintendent E. D. Cline; Prof. A. C. Kleine; County School Superintendent Thos. Flynn; University of Dubuque, President Dale Welch; Dr. Connell, of City Health Dept.; Archdiocesan Superintendent of Schools, Monsignor Wolfe; Principal of Senior High School, R. W. Johnson; Prominent musician, Martha Zentner; Prof. Schroeder, of Schroeder School of Music; C. E. Rhodes, President of Safety Council; King Herr, of Safety Council; Father Martin, Columbia Academy; A. A. Morr, Principal of Junior High School; N. J. Logan, Prof. of Music of University of Dubuque; Samuel S. George, of University of Dubuque, Assistant to President.

Number of Farm Programs Broadcast—142

Talks by county agent, 23 quarter hours; Material supplied by U. S. Dept. of Agriculture, Iowa State Extension Service, and Illinois and Wisconsin Depts. of Agriculture, 107 quarter hours, 12 half hours.

Number of Religious Programs Broadcast—198

Studio services, united services, etc., 168 quarter hours, 26 half hours, 3 hours, 1 three-hours.

456 Civic Affairs, Interviews, and Public Service—325 (approx.) (exclusive of farm, religious, and educational)

Man on the Street, 142 quarter hours—interviews with citizens and expressions of local opinions.

Club News and Social Calendar, 120 quarter hours—social activities of residents and church, fraternal, and civic clubs' activities.

Arrival of "Green Diamond," 1 quarter hour, 1 half hour—broadcasts from train platform to 5,000 people, including address by Gov. Herring.

Senator Murphy Memorial Service, 1 hour—talks by Sen. David I. Walsh, of Mass.; Sen. Wm. Dietrich, of Illinois; Sen. Ryan Duffy, of Wisconsin; Rep. M. J. Gaughn, of Delaware County; Gov. Clyde L. Herring, of Iowa; Lt. Gov. Hels Kraschel, of Iowa; State Rep. Eugene H. Reilly, of Dubuque; U. S. District Attorney Edward G. Dunn, of Mason City; Speaker of

House John H. Mitchell, of Ft. Dodge; Judge Utterbach, 6th District Rep.

Western Open Golf Finals, 1 hour—broadcast direct from Davenport.

American Legion, 9 quarter hours—regular weekly broadcasts until summer.

Police Headquarters, no complete record—daily contact with department and broadcast of accidents, deaths, missing persons, stolen property, etc.

Sheriff's Office, no complete record—daily contact with department and broadcast of accidents, deaths, missing persons, stolen property, etc.

Conservation week in Illinois, 6 quarter hours—broadcasts by Gov. Horner and Department of Conservation.

City Rescue Mission, through Rev. Masters, many appeals have been broadcast.

457 Visiting Nurse Association, no definite record—complete cooperation on any health campaigns.

Visitation Academy—station's facilities offered to be used to raise money or disseminate information in any way following disastrous fire.

Ministerial Association—complete cooperation with association's radio committee in broadcasting services.

Dubuque Women's Club—special ¼ hour programs on each day of national importance such as Constitution Day, Discovery Day, etc.

Humane Society—daily programs during Humane Week.

Notre Dame Alumni—annual broadcast.

Mobilization for Human Needs—complete cooperation.

Red Cross—complete cooperation.

Weather Bureau—special hourly broadcasts during extreme weather.

Y. M. C. A. and C. Y. O.—special weekly programs.

Farm Bureau Picnic and Dance—remote broadcast.

Athletic Events—basketball and football games of local High School and Columbia College, also University of Iowa.

Local Sports News—daily review and interviews with sports celebrities of baseball, boxing, wrestling, golf, and tennis.

Number of Children's Programs—425

Air Adventures of Jimmy Allen.

Tenderfoot.

Kids Next Door.

478 Uncle Tom.

Reading and dramatization of the comic strips.

Saturday contest.

Number of News Broadcasts—982

Regular news periods for local and national news—four periods daily (except Sunday)—two five-minute morning periods, one noon-hour period and one evening period.

Daily period of dramatization of humorous incidents from the day's news.

Daily quarter hour of club and social news.

Daily news of sports.

Half-hour news dramatization each Sunday.

Numerous special broadcasts of news from police and sheriff's headquarters.

[Endorsed:] Docket No. 4031. WKBB Exhibit 24. Hearing before Federal Communications Commission 9/16/36. Ward & Paul, Official Reporters.

Programs Analysis, April 1 to Sept. 12, inclusive

Popular Music, 28.2%. This includes all programs which were predominantly popular in nature, including such shows as the daily musical-clock feature which carri's time signals, weather forecasts, news bulletins, and martial music. That program is one hour in length and the whole hour was charged against this classification.

Semi-Classical Music, 14.1%.

Classical Music, 6.5%.

Folk Music, 2.4%. This includes hillbilly, cowboy, foreign, etc.

Sports Events, 12.5%.

News, 8.5%.

Drama, 7.6%.

Educational (exclusive), 6.2%.

Civic and Special Features, 6.5%.

Children's Features, 3.6%.

Religious, 2.4%.

Farm Broadcasts (exclusive), 1.5%.

459 [Endorsed:] Docket No. 4031. WKBB Exhibit 26. Hearing before Federal Communications Commission 9/16/36. Ward & Paul, Official Reporters.

WKBB Accounts in 1936

Avon Theater.

Appel Cleaners.

Appel-Higley Electric Co.

Becker Warehouse.

Bee Line Transfer Company.

Black & White Cab Company.

Bunker Hill Golf Course.
Felix G. Becker Coal Company.
Belsky Motor Company (Buick & Pontiac Dealer).
Crescent Electric & Supply Co. (GE Dealer).
Dubuque Implement Company.
Dubuque Retail Merchants Assn.
Dubuque Stone Products Company.
Feller Upholstery Company.
Farmers Supply Company.
Family Shoe Store.
Flynn Coal Company.
Flynn Oil Company.
Geisler Bros.
Goodman Jewelry Company.
Grand Theater.
Hartman Furniture Company.
Herrman Furniture Company.
Hill Top Casino.
Honolulu Conservatory.
Ideal Pastry Shop.
International Harvester Co.
Illinois Central Railroad.
Iowa Dairy Company.
Jordan & Fields.
Kassler Motor Company (Chrysler and Plymouth Dealer).
Kinney Shoe Store.
Klein Hardware Company.
Kraft Clothing Company.
Landon Fur Company.
Lange Cleaners.
Leath & Company.
Lorenze Laundry & Dry Cleaning Co.
Max Berk Store.
Meyers Cox Cigar Company.
Melody Mill.
Mid-West Timmerman Company.
Model Wall Paper & Supply Co.
T. J. Mulgrew Company (Skelly & Coolerator distributor).
Mulligan Battery Company.
McFadden Coffee and Spice Company.
Northwestern Bell Telephone Co.
Orpheum Theater.
Patch Beverage Company.
Peoples Store.
Rainbo Oil Company.

Rhomberg Fur Company.
Roshek Bros. Company.
Sanitary Milk Company.
Shereer Bros. Company.
Sneider Drug Company.
J. F. Stampfer Company.
Trausch Baking Company.
Triangle Hatchery.
Tri States Motor Company.
Julien Dubuque Hotel.
Linpark Clothing Company.
DeMaio Brothers Shoe Company.
Walzer Rapid Transit Company.
Wilberding Tailors.
Strand Theater.
Mathey Chevrolet Company.
Home Supply Co.

[Endorsed:] Docket No. 4031. WKBB Exhibit 27. Hearing before Federal Communications Commission 9/16/36. Ward & Paul, Official Reporters.

Past WKBB Contracts

Baul's Stores.
B & G Battery Company.
Big Shoe Store.
Buy Rite Grocers.
Central Battery Company.
College Inn.
Coast to Coast Stores.
Coca Cola Company.
Conlon Hudson Essex Company.
Conlin & Kearns Company.
Consumers Coal Company.
Corbett & Scott.
Curtiss-Straub Company.
Dubuque Bakers Association.
Dubuque Seed Company.
Dubuque Star Brewery.
Dubuque Tire & Battery Company.
Dubuque Welding Works.
Eisenberg Tavern.
Engle-Nash Company.
Engle Flanders Company.
Enzler Luggage Company.
Erie Cafe.

Falkanheiner Drug Company.
460 Fischer Ice Company.
Fluckiger Motor Co. (Dodge & Plymouth dealers).
Fosselman Jewelry Company.
Gross Sausage Shop.
Hartig Drug Company.
Hawkeye Battery Company.
Henschel Hardware Company.
Hub Clothiers.
Iowa Shoe and Clothing Company.
Jonas Beauty Shop.
Justman Sheet Metal Company.
Jurgens Paint Company.
Key City Gas Company.
Kies & Butler Jewelry Company.
Kirchoff Confectionery.
Klauer Shoe Company.
Klein Garage.
Wm. R. Kolch Company.
Kretchmer-Tredway Company.
LaFlorence Beauty Shop.
Geo. LaPrell Packing Company.
Leisers Beverage Company.
A. Y. McDonald Manufacturing Company.
Melo Cream Doughnuts.
Midwest Lumber Company.
Molo Oil Company.
Montgomery-Ward.
Mullen Bros. & Co.
Muntz, Florist.
McKeever & Hardie.
Neisner's Bros.
Newkirk's Service Station.
NuEnamel Store.
O'Meara Cheese Store.
Peryon Drug Company.
Geo. Rath & Son.
Remier Music Store.
Roehl-Phillips Company.
Roseblossom Beauty Shop.
Roxy Dress Shop.
Ruprecht Bros. Company.
Schaetzle Drug Company.
Scheppele Jewelry Company.
Shinner Meat Market.

Sibbings Jewelry Company.
Sommerfield Cleaners.
Spahn-Rose Lumber Company.
Sutters Bakery.
Trenkles Sausage Company.
Tru-Value Dress Shop.
Upton Laundry.
Weber Furriers.
Zillig Drug Company.
[Endorsed:] Docket No. 4031. WKBB Exhibit 28. Hearing before Federal Communications Commission 9/16/36. Ward & Paul. Official Reporters.

Prospective Advertisers Never Having Used WKBB

* * * * * * *

A & P Food Stores.
Bueler Bros. Market.
Didesch Funeral Home.
Dubuque Awning and Tent Co.
Dubuque Packing Co.
Diamond Cafeteria.
Edward's Style Shop.
Eglehof Funeral Home.
Federal Bakery.
Fitzpatrick Sporting Goods Store.
Fuhrman-Triller Co.
Genz Stores.
H. B. Glover Co.
Hoffman Mortuary.
Huebsch Funeral Home.
Humke Bakery.
Iowa Oil Company.
461 Jack Spratt Food Stores (Western Grocer Co.).
Johnson High Test Oil Company.
Katz Market.
S. S. Kresge Company.
Kretz Cafeteria.
Mollie's Market.
National Tea Company Stores.
Nachtman Groceries & Meats.
O'Hearn Markets.
J. C. Penney Company.
The Parisian Shop.
Sherman's Pure Food Stores.
Schrupp Motor Car Co. (DeSoto & Plymouth dealer).
L. B. Wertz Market.

White House Biscuit Co.
Zehentner Market.

[Endorsed:] Docket No. 4031. WKBB Exhibit 29. Hearing before Federal Communications Commission 9/16/36. Ward & Paul, Official Reporters.

WKBB Local Advertising Rates

Time Rates:

1. Morning—8:00 to 11:00 A. M.:

Hour	$20.00
½ hour	13.00
¼ hour	6.50

2. Noon and afternoon—11:00 A. M. to 5:00 P. M.:

Hour	25.00
½ hour	15.00
¼ hour	8.00

3. Evening—5:00 to 11:00 P. M.:

Hour	30.00
½ hour	17.50
¼ hour	10.00

4. Time discounts:

26 times	10%
100 times	15%
Consecutive yearly	25%

462 Announcement Rates:

1. Morning 2.00
   Noon and afternoon 2.50
   Evening 3.00
2. Discounts—use of 26 in period of one month:
   Morning 1.25
   Noon and afternoon 1.50
   Evening 1.75

Talent:

1. Talent charges are additional.

Remote Pickups:

1. Rates on application.

Political Rates:

1. "General Rates" as published in Radio Advertising Standard Rate and Data Service apply to political programs or announcements.

This report is not final but is subject to approval, modification or rejection by the Commission.

The parties to the proceeding have fifteen days, with the exception of those from the Fifth Zone who have twenty days, in which to file objections or exceptions, if any, to the report.

Federal Communications Commission, Washington, D. C. 18954

Examiner's Report No. I–340

Docket No. 3967

In re Applications of Telegraph Herald (New), Dubuque, Iowa. For Construction Permit.

Assignment Requested: Frequency, 1340 kc. Power, 500 watts. Hours of Operation, Daytime.

463 Docket No. 4031

Sanders Brothers Radio Station (WKBB), East Dubuque, Illinois. For Construction Permit to Move Studio and Transmitter to Dubuque, Iowa, and Install New Antenna.

Assignment Requested: Frequency, 1500 kc. Power, 100 watts, 250 watts LS. Hours of Operation, Unlimited.

Report of John P. Bramhall, Examiner

Notices were issued by the Federal Communications Commission in Dockets Nos. 3967 and 4031 under dates of August 7 and July 23, 1936, respectively, and mailed to each of the applicants herein and all other persons and concerns whose interests might be adversely affected, designating September 14, 1936, at 10:00 a. m. in the offices of the Commission at Washington, D. C., when and where the above applications were to be heard, and the hearing was accordingly commenced at the time and place provided in the respective notices, and before an Examiner duly appointed by the Commission.

Appearances: Eliot C. Lovett on behalf of the Telegraph Herald; Louis G. Caldwell and Reed T. Rollo on behalf of Sanders Brothers Radio Station; Horace L. Lohnes and E. D. Johnston on behalf of Station WSPD; Tyler Berry on behalf of the Commission.

PRELIMINARY STATEMENT

Docket No. 3967

On January 20, 1936, the Telegraph Herald of Dubuque, Iowa, filed an application with the Federal Communications Commission, seeking a permit for a broadcast station to be constructed at Dubuque. The application as thus filed was designated for hearing for the following reasons:

464 1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the need for additional daytime service in the area proposed to be served.

3. To determine whether the application may be granted within the purview of Section 307 of the Communications Act of 1934, as amended by the Act of June 5, 1936 (Senate Bill 2243).

4. Because of the pendency of another application with which conflict may be had by reason of interference, i. e., from Clinton Broadcasting Company (Emmons L. Abeles, Secretary) (B4–P–

687); and from Stanley Reid & Charles Withnell Boggel, Jr., d/b as The Rapids Broadcasting Co. (B4–P–965).

5. To determine whether the applicant will be required to mark the towers in accordance with the engineering specifications as contemplated by Section 303 of the Communications Act of 1934.

6. To determine whether the site at which the applicant proposes to construct and operate the station will be satisfactory.

7. To determine whether the granting of the application will serve public interest, convenience, and necessity.

Docket No. 4031

On May 14, 1936, Sanders Brothers Radio Station, East Dubuque, Illinois, filed an application with the Federal Communications Commission, requesting a permit to move studio and transmitter to Dubuque, Iowa, and install a new antenna. The application as thus filed was designated for hearing for the following reasons:

1. To determine the need for additional service in the area proposed to be served.

2. To determine whether the application may be granted within the purview of Section 307 of the Communications Act of 1934, as amended by the Act of June 5, 1936 (Senate Bill 2243).

3. Because of the pendency of other applications with which conflict may be had by reason of interference, i. e., Appleton Broadcasting Co. (Emmons L. Abeles, Secretary), (B4-465 P–691); Chicago Broadcasting Association, Limited Partnership; Kleofas Jurgelonis, General Partner; Joseph F. Budrick, Laurent V. Radkins, Vladas G. Jurgelonis, Limited Partners (B4–P–509); Robert Raymond McCulla (B4–P–854); Winona Broadcasting Company (Emmons L. Abeles, Secretary) (B4–P–684); and Howard A. Mifler (B4–P–1159).

4. To determine whether the site at which the applicant proposes to construct and operate the station will be satisfactory.

5. To determine whether the antenna which the applicant proposes to use will comply in all respects with the Rules and Regulations of the Commission, particularly Rule 131, and will render proper service.

6. To determine whether the granting of the application will serve public interest, convenience, and necessity.

This proceeding involves two applications, one requesting a construction permit at Dubuque, Iowa, and the other requesting authority to move its main studio and transmitter from East Dubuque, Illinois, to Dubuque, Iowa. Sanders Brothers Radio Station, WKBB, appears in this proceeding as intervenor in

Docket No. 3967 and the Telegraph Herald appears as intervenor in Docket No. 4031. No objection being offered on the part of either of the applicants, the cases were consolidated and heard as one case.

STATEMENT OF FACTS

To the end that the matter contained in this report may be presented in an orderly manner, the facts applicable to each particular case and those applicable to both cases will be treated separately.

Docket No. 3967

The applicant, the Telegraph Herald, is a corporation organized and existing under and by virtue of the laws of the State of Iowa. On March 31, 1936, the original charter of the corporation was amended so as to authorize the corporation to establish, purchase, or lease, operate, and maintain in the State of Iowa and elsewhere, radio stations for the purpose of sending and receiving all forms of radio communications, utilizing sound and vision or both as at present or hereafter developed or invented, and to do all things incidental to the conduct of radio broadcast business.

466 The assets of the corporation consist of cash on hand, in banks and post-office deposits, notes receivable, accounts receivable, investments, real estate, machinery and equipment, furniture, fixtures, automobiles, insurance paid in advance, patents, franchise and goodwill, circulation structure, and stock, with a total value of $1,097,712.36. The liabilities of the company which include accounts payable, reserve for depreciation of machinery, equipment, furniture and fixtures, surplus, capital stock, preferred and common, are fixed at $1,097,712.36. The value of the circulation structure of the paper is $233,984.26; patents, franchise, and goodwill are $41,365.46; the current liabilities are fixed at $160,000; so that the corporation has actually a net worth in excess of $840,000.

The stockholders of the corporation are all citizens of the United States.

The corporation is now engaged in the publication of a daily newspaper in Dubuque, Iowa. The Dubuque Herald was established in 1836. Another paper, known as the Dubuque Telegraph, was established in Dubuque in 1876, and these two papers were consolidated in 1901. The Dubuque Times Journal, another newspaper published in Dubuque, was established in 1861. This paper was consolidated with the Telegraph Herald on April 2, 1927, so that all of the daily papers in Dubuque are now pub-

lished by the Telegraph Herald, the applicant herein, except the Catholic Daily Tribune, which has a small circulation in Dubuque but is regarded as a national publication with a circulation throughout the United States. There is also published in Dubuque a weekly paper, the Dubuque Leader. The Telegraph Herald maintains a reportorial staff in the City of Dubuque of five reporters, one society editor, and approximately 150 county correspondents as a news-gathering organization. The President of the company is Mr. Fred W. Woodward, who owns approximately 51% of the stock. The circulation area of the paper is approximately that of the trade area of the City of Dubuque. This area extends thirty-five or forty miles in each direction from Dubuque. However, the circulation of the paper is greater in the State of Iowa in the district surrounding Dubuque than it is in the states of Illinois and Wisconsin. The circulation of the paper in the City of Dubuque is approxi-
467 mately 10,000, and in the county of Dubuque it is approximately 14,000. The total circulation of the paper in the Dubuque trade area is approximately 31,000. This paper has the franchise for the Associated Press, United Press, and International News service.

The officers of the applicant are men of wide business experience in the newspaper field, and should this application be granted, they contemplate the employment of an experienced staff to operate the radio station. The Board of Directors of the Corporation will control the policies of the station and the business manager of the station will be the present circulation manager of the Telegraph Herald. The tentative plans of the applicant are to install a Collins Type 20-A transmitter with vertical radiator one-fourth of a wave length high which will be 185 feet. An efficient ground system will also be installed. This will consist of a network of copper wires of not less than 120 radials extending outward from the base of the radiator for a distance of at least 185 feet. These radials will be spaced three degrees apart. They will be buried in the ground about six inches below the surface. The approximate cost of this equipment installed will be $25,000.00.

The applicant proposes to construct two studios which will be sound proof and acoustically treated. One of the studios will be sufficiently large to accommodate orchestras and groups comprising a great many people.

The staff personnel of the proposed station will include the manager, a chief engineer, assistant engineer, a program director, chief announcer, two assistant announcers, three operators, one

stenographer and a sales force. The estimated monthly operating expense of the proposed station will be approximately $2,000.00.

The proposed station will be operated separately from the Telegraph Herald, but will have its financial backing; and funds have already been set aside for the purpose of meeting such expenses as may be incurred in connection with the construction of the proposed station.

No estimate has been made of the monthly income of the proposed station, but representatives of the applicant have contacted a large number of advertisers who have signified that they would be interested in using the station as an advertising medium.

468 It is also estimated that the station will render a good rural service with 500 microvolts per meter for a distance of thirty-five miles from the transmitter. The evidence further shows that the station will lay down a signal of 10 millivolts per meter at a distance of approximately 7½ miles, and 2 millivolts per meter at 18 miles. Calculating the field intensity at 0.25, the service with that intensity would extend to a distance of 48 miles.

It is estimated that the proposed station of the Dubuque Herald, should this application be granted, would serve within its 10 millivolts per meter contour (a radius of 7.5 miles) a population of 51,300; 2 millivolts per meter (a radius of 18 miles) 81,009; 0.5 millivolt per meter (a radius of 35 miles) 136,320; and 0.25 millivolt per meter (a radius of 48 miles) 292,900.

Applicants made a part of the record in this case the depositions of twenty-four witnesses, which include three college and university presidents, Superintendent of the Archdiocese School of Dubuque, Principal of a sectarian school, Superintendent of the City Schools of Dubuque, six County School Superintendents from Iowa, Wisconsin, and Illinois, two directors of musical academies, four agricultural agents, a farm adviser, a music teacher, two ministers, a health officer, Chief of Police of the City of Dubuque, and the Sheriff of Dubuque County.

Each of these witnesses expressed a willingness to participate in or aid in the production of programs in their respective fields of endeavor. The program material from this source falls into the general classification of educational, and may be further classified as cultural, devotional, musical, and husbandry. Many of the witnesses are know beyond the borders of their respective states and communities for their outstanding ability in their particular sphere and would be able to render much assistance in the matter of radio programs. More than 50% of these witnesses are appearing or have appeared on the programs of Sta-

tion WKBB, one of the applicants herein. All of these witnesses were interviewed by representatives of the applicant, the Telegraph-Herald. Free time was offered each witness or the institutions represented by them, and according to the evidence, 469 the witnesses were advised that the proposed station would cover an area with a radius of fifty to seventy-five miles from Dubuque.

Some of the witnesses who reside forty or fifty miles from Dubuque stated they were unable to get service from Station WKBB in their respective communities. This was particularly true in Clayton County, Iowa, which lies north and west of Dubuque; Grant County, Wisconsin, which lies north and east of Dubuque and across the Mississippi River; also in portions of Jo Daviess County, Illinois, which is across the Mississippi River from Dubuque and to the southeast. Station WKBB is now located in the extreme northeastern part of Jo Daviess County in East Dubuque, Illinois, which is directly across the Mississippi River from Dubuque, Iowa. Jo Daviess County, Illinois, covers an area approximately forty miles east and west, measured on the north line, twenty-five miles east and west along the south line, and about twenty-five miles wide from north to south.

One of the agricultural agents assigned as a reason why they were not now using the facilities of Station WKBB that their people could not hear the programs because of the limited coverage of that station. Others gave as a reason for not using the station that they were unable to get a desirable hour to give farm broadcasts. One agent stated that a committee had been appointed to work out a period satisfactory to the four or five agricultural agents who had been extended the use of the station by WKBB, but that no time has been definitely arranged as between these agents.

The applicant proposes to establish programs in behalf of the rural sections which would include the counties of Dubuque, Clayton, Delaware, and Jackson in the State of Iowa, Grant County, Wisconsin, and Jo Daviess County, Illinois. These programs will be prepared and given by the agricultural agents and county school superintendents of each of these counties. It is contemplated that these programs will be rotated on a six days a week basis between the six counties, each county agricultural agent and school superintendent giving a program for their respective counties at a suitable hour once a week. The length of these programs has not been definitely determined, but it will be somewhere between fifteen and thirty minutes for each

particular activity. These programs will go on the air
470 from the studio at Dubuque with the exception of special occasions when remote control will be established by the applicant at various points where the programs originate. These programs are intended to deal with the general educational problems applicable to rural communities and to the agricultural sections of the area proposed to be served.

Should the service of the proposed station extend a distance of approximately thirty-five miles from Dubuque, this would render a good rural service as far northwest as Elkader, which is the county seat of Clayton County, Iowa, and about in the center of the county; but the proposed station undoubtedly would not render a good rural service in the northwestern part of Clayton County, which would be a distance of more than sixty miles from Dubuque. Delaware County, which is within the area the applicant proposes to serve, lies directly west of Dubuque and the western line of this county is approximately fifty miles from Dubuque. The proposed station would render a good rural service throughout the entire area of Jackson County, Iowa, which lies to the south of Dubuque, also in Jo Daviess County, Illinois, which is across the river and southeast of Dubuque. The station would also render good rural service in the greater portion of Grant County, Wisconsin, which lies across the Mississippi River and to the northeast of Dubuque.

The Telegraph Herald has filed a tentative program schedule for one week. The Sunday program contains announcements of services from the various churches in Dubuque, the names of the pastors, and the various church activities of the week, also sermon on Sunday morning, organ concerts, radio bible class, church services of the Dubuque Ministerial Association and Catholic churches, news, Farm home hour, transcriptions, musical interludes, dramatics from the University of Dubuque and other local schools, vocal selections, civic club programs, including Y. W. C. A. and Y. M. C. A., instrumental music and vesper service.

The weekday programs include safety flashes, weather reports, morning devotion, organ recitals, market reviews, woman's institute, health talks, farm programs, book reviews, school programs, sports reviews, and children's programs. This is a fair cross section of the various programs which the applicant proposes
471 to render to the listening public, should this application be granted. The tentative program submitted by the applicant covers a wide range of interesting subjects and is not only educational and instructive, but entertaining, and touches practically every phase of religious, social, business, and educational life in the community which it proposes to serve.

The proposed week's program will devote 12¼ hours to education, 10¼ hours to agriculture, 35½ hours to entertainment, 5½ hours to religion, 10¾ hours to news, and 1¾ hours to fraternal and civic broadcasts. The applicant also proposes to use at least four permanent remote controls to colleges, churches, and the United States Weather Bureau, supplemented by several temporary remote controls to special activities in the six counties in the states of Iowa, Wisconsin, and Illinois, elsewhere referred to in this report as the service area of the proposed station.

It is the purpose of the applicant in the broadcast of its programs to feature agricultural and educational interests and broadcast religious programs of all denominations, to give a timely news service, and cooperate with and give free time to all civic, philanthropic, charitable, and fraternal organizations, the local county and state agencies, and to provide a forum for the discussion of questions of public concern.

The Telegraph Herald filed as a part of its case Exhibits No. 11 and 12 which show the type of program, the amount of local talent, transcriptions, and ABC net work which appeared over that station on September 2 and 6, 1936. According to Exhibit No. 11, 18% of the time was utilized by local talent, 30% by transcriptions, and 52% by ABC network. The local talent item was further broken down into figures which show that 115 minutes were used by studio announcer, 15 minutes by local artists, and 40 minutes by a sponsored orchestra. Exhibit No. 12 discloses that 78 minutes of the time of the station were used by local talent, 192 minutes for transcription, and 570 for ABC network, or for local talent 9%, transcriptions 23%, and ABC network 68%.

The applicant, the Telegraph Herald, has consistently refused to carry in its newspaper the programs of Station WKBB as a news matter of public interest to Dubuque and vicinity.
472 These programs may be published in the Telegraph Herald only as paid advertising. The Telegraph Herald, while refusing to publish local radio programs as news items, does publish daily and without charge the programs of the National Broadcasting Company, WEAF (Red) Network, Columbia Broadcasting System, WABC Network, and NBC–WJZ (Blue) Network. The radio programs published by the Herald include programs from stations in widely separated sections of the United States including network programs from the Dominion of Canada.

It was disclosed that only eight out of twenty-seven daily newspapers in Iowa charge the regular rate for radio programs. Attention was called to the fact that one of these papers was the Clinton Herald, Clinton, Iowa, which is near Dubuque. It will be noted that there is no radio station in Clinton.

Whether the policy of the Telegraph Herald in refusing to publish in the columns of its daily papers as news of interest to the public the programs of station WKBB without charge was actuated by selfish motives, standing alone, is not an issue in this proceeding; but if this policy were established for the purpose of impairing or destroying the usefulness of Station WKBB to the citizens of Dubuque and the area it serves in order to enhance its possibility of obtaining a permit to construct a radio station in the same community as that now served by WKBB, an entirely different situation obtains.

WKBB Exhibits No. 1 A, B, C, D, E, F, and G, and 2 and 3, copies of the Telegraph Herald paper of August 9, May 20, 28, 29, and 31, June 12, July 15, September 9 and 10, offered as evidence by the respondent station WKBB, in Docket No. 3967, disclose that the Telegraph Herald carried in these various issues of its paper advertisements of alcoholic liquors, giving the name of the brand, the price, the place of manufacture, and the name of the distiller. It was contended by intervenor station WKBB that the publication of these advertisements was in contravention to the laws of the State of Iowa in respect to alcoholic beverages.

The Code of Iowa 1935, Chapter 93–F1, Par. 1921–f47 provides as follows:

"Advertisements.—Except as permitted by federal statute
473 and regulations, there shall be no public advertisement or advertising of alcoholic liquors in any manner or form within the state.

"1. No person shall publish, exhibit, or display or permit to be displayed any other advertisement or form of advertisement, or announcement, publication, or price list of, or concerning any alcoholic liquors, or where, or from whom the same may be purchased or obtained, unless permitted so to do by the regulations enacted by the commission and then only in strict accordance with such regulations.

"2. This section of the chapter shall not apply however—

(a) To the liquor control commission.

(b) To the correspondence, or telegrams or general communications of the commission, or its agents, servants, and employees.

(c) To the receipt or transmission of a telegram or telegraphic copy in the ordinary course of the business of such agents, servants, or employees of any telegraph company (45 Ex GA (1) ch. 24, Sec. 40)."

The penalty provisions of the Act are as follows:

"Counts.—Information or indictments under this chapter may allege any number of violations of its provisions by the same party, but the several charges must be set out in separate counts, and the accused may be convicted and punished upon each one as

on separate informations or indictments, and a separate judgment shall be rendered on each count under which there is a finding of guilty. (45 Ex GA, ch. 24, Sec. 83); Code of Iowa 1935, Ch. 93–F1, Par 1921–f90.

"Penalties generally.—Unless other penalties are herein provided, any person who violates any of the provisions of this chapter * * * shall be punished by a fine of not less than three hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail for not less than three months nor more than one year, or by both such fine and imprisonment. (45 Ex GA, ch. 24, Sec. 84); Code of Iowa, 1935, Ch. 93–f1, Par. 1921–f91."

(1) Extra session, General Assembly.

An official of the Telegraph Herald, testifying in respect to these advertisements, stated that they had discontinued running them approximately six weeks prior to the time of this
474 hearing, September 14th. Intervenor WKBB's Exhibits 2 and 3 show that alcoholic beverage advertisements were carried in the columns of the Telegraph Herald as late as September 10, 1936. The witness in explaining this discrepancy in the testimony with reference to the discontinuance of these advertisements, stated that these were contracts which it was necessary for the paper to carry out, but that when these contracts were completed, the paper would carry no more liquor advertisements.

The Telegraph Herald objected to the introduction of these advertisements on the ground that they were immaterial to the issues in the case. The official of the Telegraph Herald who appeared as a witness in this hearing had already testified that the policies of the proposed station would be the same as that of the newspaper and for that reason these exhibits were admitted in evidence. It will be noted, however, that this witness stated specifically that if the application were granted, they would not under any circumstances carry any liquor advertisements over the radio.

It is expected that there will be some degree of interference experienced within the ½ millivolt per meter contour of the proposed station, caused principally by Station WSPD, Toledo, Ohio, in the early morning and late afternoon hours. The magnitude of such interference will depend upon the season and the sun spot cycle. The interference will probably be greater during the winter months when sunset occurs earlier and the layer has a tendency to form earlier in the afternoon hours. As a result of this interference, the service of the proposed station may be limited on occasions to its approximate 7 millivolt contour. However, that condition will not obtain regularly or at all times. In view of the fact that Station WSPD is operating on 5,000 watts

in the daytime and reducing power at least one hour previous to the time the proposed station would sign off, it would be expected that some degree of interference would be experienced on occasions within the half millivolt contour of Station WSPD. That, however, would not be classed as serious interference.

Docket No. 4031.

Sanders Brothers Radio Station, applicant herein, is a corporation organized and existing under the laws of the
475 State of Illinois, and owns and operates Station WKBB, which was originally licensed at Joliet, Illinois, but is now located at East Dubuque, Illinois.

On March 14, 1932, Sanders Brothers Radio Station filed an application with the Federal Radio Commission requesting authority to move its studio and equipment from Joliet to East Dubuque, Illinois. The application was granted without a hearing on May 27, 1932. Thereupon the Telegraph Herald, applicant in Docket No. 3967 and forming a part of this proceeding, filed a protest with the Federal Radio Commission against the removal of the station, and the case was designated for hearing, on the protest. It was revealed in the hearing that the Telegraph Herald had no application pending and the protest was accordingly dismissed.

In due season the Telegraph Herald appealed from the ruling of the Commission to the Court of Appeals of the District of Columbia. In its opinion the Court of Appeals sustained the action of the Commission, holding that the Telegraph Herald was not an interested party in the case within the meaning of the Act, and was therefore without standing in court.

The application of Sanders Brothers Radio Station for removal from Joliet to East Dubuque contained the statement that the purpose of the removal was to furnish local radio service to East Dubuque, Illinois, and to Dubuque, Iowa.

Station WKBB was authorized by order of the Federal Radio Commission on October 12, 1932, to move its studio and equipment to East Dubuque, Illinois. Pursuant to this order, the station moved to East Dubuque and commenced operating the latter part of 1933. The removal of the station was for economic reasons.

The original grant of this station on September 30, 1925, was for 100 watts power on 1310 kilocycles, sharing time with Station WCLS. Following the removal from Joliet to East Dubuque a license was issued to the station which provided for specific hours of operation (8½ hours a day) with 100 watts

power. The frequency was changed from 1310 to 1500 kilocycles.

On June 29, 1934, the station was granted unlimited
476 time on the same channel and frequency. On May 14,
1935, Station WKBB was granted authority to use 250 watts daytime with 100 watts after local sunset. That is the present assignment of the station.

In the latter part of 1933, Walter E. Klauer entered into a contract to purchase the outstanding stock of Sanders Brothers Radio Station, and the transfer of the stock to Mr. Klauer was approved by the Federal Radio Commission. He thereupon became the President of Sanders Brothers Radio Station, which had moved from Joliet to East Dubuque, Illinois.

Following the purchase of this stock and on or about January 1, 1934, Mr. Klauer was summarily dropped from the Chamber of Commerce Committees on which he had previously served. This was apparently a reprisal on the part of the Telegraph Herald against Mr. Klauer, since Mr. F. W. Woodward, President of the Telegraph Herald, was the President of the Chamber of Commerce and exercised control over the activities of the organization.

At the expiration of the term of office of Mr. Woodward as President of the Chamber of Commerce and the inauguration of a new President, Mr. Klauer was reinstated to the various committees to which he had been previously assigned. These and other facts in the record tend to show that executives high in the counsel of the Telegraph Herald have long made an effort to bring Station WKBB into disrepute in the Dubuque area.

Prior to the negotiation for the purchase of the stock of Sanders Brothers Radio Station, Walter E. Klauer sought to obtain local radio facilities for the City of Dubuque, but due to the quota provisions of the Radio Act, a new station could not be granted by the Federal Radio Commission at Dubuque nor was he able to obtain the removal of a station from some other point within the State of Iowa to Dubuque. He next sought to obtain the removal of a station in Illinois to West Dubuque and thereby give to Dubuque a local radio service.

Walter E. Klauer, the principal stockholder, is President, his father, W. E. Klauer, is Vice President, and John D. Carpenter, Treasurer of Sanders Brothers Radio Station.

The officers of the corporation are men of wide business experience, particularly in the industrial field. Mr. W. E. Klauer
is President and Walter E. Klauer General Manager
477 of the Klauer Manufacturing Company, manufacturers of snow removal equipment. This company is one of the largest industries in the City of Dubuque. Mr. Walter E. Klauer

is also Vice President of the Klauer-Julian Hotel Corporation, which operates the Hotel Julian in Dubuque, one of the largest hotels in the State of Iowa. The Dubuque studio of Station WKBB is located in the Hotel Julian, and should this application be granted, the main studio of the station will be established in this hotel.

All of the stockholders of the Sanders Brothers Radio Station are citizens of the United States.

The financial statement of Sanders Brothers Radio Station for an eight-month period ending August 31, 1936, shows that the total income of the broadcasting station for that period was $21,453.57. The operating expense during that period was $16,546.90, leaving a net profit from broadcasting of $4,906.67. Against this net profit there is an item of depreciation of $2,894.72 and reserve for uncollected debts of $2,487.23, leaving a net loss for the operating period of $475.28.

The statement further discloses that the station sustained a deficit for the year 1935 of $4,165.85, while the deficit for the eight months of 1936 was only $475.28, indicating a much improved financial condition in the operation of the station.

The current and fixed assets of the corporation are valued at $30,410.37. This includes cash in bank $5,874.67 and accounts receivable $11,144.31, less reserve of $2,509.23 for bad debts. The current liabilities are fixed at $30,410.37. This includes capital stock $25,000 less surplus deficit $4,641.13, plus accounts payable.

Should this application be granted, the applicant proposes to construct a Truscon vertical radiator 250 feet above the ground. Such antenna is expected to produce an unattenuated field of 225 millivolts per meter at a mile per kilowatt input or 112½ millivolts per meter at a mile for 250 watts.

The ground system will consist of 100 radials of one inch copper ribbon, 250 feet long, equally spaced and buried radially, the antenna at center, and also a thirty-foot square ground screen immediately below the radiator to reduce the ground losses. The applicant contemplates the use of its present transmitter.

478 Practically all of the equipment of the station was replaced within the past year. This included the installation of a new transmitter, all of the speech input equipment and amplifiers, and, in fact, the entire transmitting equipment was replaced during the past year with the exception of the frequency monitor.

The estimated cost of the new equipment and expense of moving Station WKBB from East Dubuque, Illinois, to Dubuque, Iowa, includes: tower $4,000.00, ground $500.00, building

$5,000.00, land (site) $3,000.00, land improvements $1,000.00, moving and installation of fixtures and equipment $1,500.00, or a total of $15,000.00.

Walter E. Klauer, President of Sanders Brothers Radio Station and owner of practically all of the outstanding stock of the corporation, testified that he had an annual income in excess of $15,000 from his connections other than that of President of Sanders Brothers Radio Station, and that he had sufficient funds available to finance the removal of Station WKBB from East Dubuque, Illinois, to Dubuque, Iowa, should this application be granted.

The estimated monthly cost of operating the station would be approximately $2,000.00. These figures are based on the profit and loss statement filed by the applicant in this case. The average monthly receipts of the station, based on the same statement, are approximately $2,600.00.

The average radius of the 0.5 millivolt contour for Station WKBB, operating with its proposed antenna in its proposed location, about three miles south of Dubuque on the west side of the Mississippi River, would be approximately 32½ miles. Field strength measurements of the present signal of Station WKBB show that in the center of the City of Dubuque the signal was 10 millivolts per meter or greater; at the western limits of Dubuque it was 2 millivolts per meter or greater; while 20 miles west it was 0.5 millivolt per meter or greater; at the eastern limits of Dubuque it was 2 millivolts per meter or greater, and 20 miles east it was 0.5 millivolt per meter or greater. Should this application be granted, and with the new proposed facilities and the increase in operating efficiency of the station, it would be expected that Station WKBB would have a substantially larger coverage than now exists.

479 It is estimated that Station WKBB serves out to its 0.5 millivolt per meter contour in daytime with 250 watts power, at its present location, a population in the State of Illinois of 10,117, in Wisconsin 11,500, in Iowa 73,369, or a total of 94,986 people.

It is also estimated that the station, out to its 2 millivolt per meter line at night, with 100 watts power, at its present location, serves a population in Illinois of 4,750, in Wisconsin 2,235, in Iowa 43,944, or a total of 50,929 people.

It is also estimated that this station, with its proposed antenna at its proposed location would serve to its 0.5 millivolt per meter contour in the daytime, with 250 watts power, 15,175 people in Illinois, 35,000 in Wisconsin, 103,838 in Iowa, or a total of 154,000 people.

The station would serve out to the 2 millivolt per meter contour at night, with 100-watts power, 6,900 people in Illinois, 2,850 in Wisconsin, 49,127 in Iowa, or a total of 60,725.

The applicant submitted a daily program extending from Sunday, August 30, through September 12, 1936, or for a period of two weeks. The programs feature a religious service on Sunday with divine music. The week-day programs include popular, classical, and folk music, also a morning studio church service, educational items, sports, news, and agricultural talks by the County Agent for Dubuque County, using material supplied by the United States Department of Agriculture, Iowa State Extension Service, and the Illinois and Wisconsin Departments of Agriculture.

The programs offered the listening public by Station WKBB are of high standard, well balanced, and meritorious.

Station WKBB undertook to give the listening public, particularly the agricultural area which it serves, weekly agricultural programs supplied by County Agents. It was found that a great deal of difficulty was encountered in broadcasting these programs due to the fact that these agents lived at distant points and were frequently unable to reach the station promptly, making it necessary to rearrange the daily programs of the station.

The facts disclose that the station has ample time for broadcasts of these various activities and commercial programs.

480 The applicant has offered the facilities of the station without charge to all of the educational institutions of Dubuque, churches, civic organizations, law enforcement officers, the officials of the city government of Dubuque, the county agricultural agents of Dubuque, Jackson, Delaware, and Clayton Counties in Iowa, Grant County, Wisconsin, and Jo Daviess County, Illinois. Many of the colleges and schools in Dubuque, the protestant and Catholic churches, the law enforcement officers, the civic clubs, patriotic organizations, and the government officials of the City of Dubuque have availed themselves of the use of these facilities. In several instances the applicant has supplied remote control to aid in the production of programs, particularly in the schools and colleges of Dubuque.

Station WKBB filed a list of local talent used during the past eighteen months. This talent was drawn largely from the City of Dubuque; however, some of it came from the States of Wisconsin and Illinois. The talent included a choir, a male quartet and soloists from the University of Dubuque, a choir and soloists from Columbia University, also several students appeared from local conservatories. Ten orchestras were included in this list, several string quartets and trios, seven pianists, and

numerous other artists, both musical and dramatic, indicating a great wealth of talent in the Dubuque area.

Applicant offered in evidence WKBB Exhibit No. 23, which consists of statistical matter respecting Dubuque industries, wholesale and retail outlets, transportation facilities, population data, program analysis, and a radio survey conducted over the telephone by Station WKBB during the week of July 27, 1936. This exhibit was admitted over the objection of the attorney for the Telegraph Herald. All of the matter contained in the exhibit with the exception of the survey made over the telephone, undoubtedly was competent evidence, but the Examiner at the time of the admission of this exhibit, had some doubt as to the admissibility of the telephone survey part of the exhibit, and has now reached the conclusion that the telephone survey of this exhibit was not admissible because of its hearsay character and that it has little or no probative force. The facts contained in this survey have been wholly disregarded by the Examiner in this report.

481 The following facts are applicable to both applications in this proceeding:

Dubuque, Iowa, where applicants have requested authority to construct broadcast stations is the county seat of Dubuque County, and in the northeastern portion of the state upon the west bank of the Mississippi River.

The States of Wisconsin and Illinois lie directly across the river and the state line between these two states, if extended west, would pass through the city of Dubuque. East Dubuque, the present location of Sanders Brothers Radio Station, WKBB, is in the extreme northeastern corner of Jo Daviess County, Illinois, and is directly east across the Mississippi River from Dubuque. The applicants propose to serve not only the city of Dubuque but Jackson, Dubuque, Delaware, and Clayton Counties in the State of Iowa, Grant County, Wisconsin, and Jo Daviess County, Illinois.

The city of Dubuque, according to the 1930 census, had a population of 41,678; Dubuque County 61,214, of which approximately 32% were rural. It is estimated that 93% of the population of the city of Dubuque is native white, 6% foreign born, and 2% negro.

Clayton County, which lies to the northwest of Dubuque, had a population in 1930 of 24,559. The population of the county is almost entirely rural with only four towns in the county having a population of 1,000 or more. Delaware County had a population of 18,122, of which 81% was rural. Jackson County had a population of 18,481, more than 80% of which was rural. Grant County, Wisconsin, had a population of 38,469, of which

89% was rural, and Jo Daviess County, Illinois, had a population of 20,235, of which 80% was rural. The area which applicants proposed to serve, outside of the city of Dubuque and the towns in the various counties, is devoted to agricultural pursuits which include stockraising, growing grain, dairying, and poultry, and represents one of the highly developed farming sections of the States of Iowa, Wisconsin, and Illinois.

There is a total of 29 weekly papers and 13 daily papers in this area. Of the 13 daily newspapers, there are circulated in Dubuque the Dubuque Herald, the applicant herein, the Catholic Daily Tribune, the Des Moines Register Tribune of Des
482 Moines, and the Cedar Rapids Gazette of Cedar Rapids. All of the papers, both daily and weekly, which circulate in this area, are competitive, particularly in the advertising field. The 29 weekly newspapers are sold to Dubuque advertisers either as a group or any portion thereof within the discretion of the proposed advertiser.

It is estimated that 8,189 homes in the city of Dubuque possess radios. The city has 10,432 families, 9,098 dwellings, 1,012 apartments, and 5,187 home owners. Dubuque has one national bank and two state banks with total deposits of $13,364,582 and resources in excess of $14,000,000.

The transportation facilities of Dubuque consist of four transcontinental rail lines, five United States Highways, six bus lines, and one airport. Dubuque lists among its industries that of meat packing, the manufacture of farm machinery, farm tools, boats, boilers, and snow removing machinery. The wholesale and retail outlets in the city of Dubuque number 592, of which 111 are retail grocery stores, 38 meat markets, 47 candy and confectionery, 18 motor vehicle dealers, 17 men's clothing stores, 6 women's ready to wear stores, 8 women's accessories stores, 8 radio and music stores, 15 furniture and household stores, 30 restaurants and eating places, 8 lumber and building material dealers, 7 heating and plumbing shops, 8 hardware and farm implement stores, 5 farmers' supply stores, 14 coal, wood, and ice dealers, and a large number of miscellaneous merchandising establishments.

The volume of retail trade for Dubuque County for 1935 is estimated at $17,122,800. The county auto registration for that year was 12,072. There were 9,756 wired homes, 9,131 telephones, and 7,528 gas meters.

There are 13 public schools of all grades, 14 parochial schools and five colleges and universities, with a total student body of 10,510. Dubuque has 37 churches, 4 hospitals, 14 clubs and lodges, 7 hotels, 17 city parks, and 122 miles of paved streets. It is estimated that 12,051 males and 4,485 females are employed.

The city of Dubuque is operated under a City Manager form of government. Connecting the city of Dubuque with Grant County, Wisconsin, and Jo Daviess County, Illinois, is a toll bridge on which a charge of 25% is made for each automobile crossing.

483 The City of Dubuque receives a signal of 10 millivolts per meter or greater from Station WKBB. The eastern city limits of Dubuque receive 2 millivolts per meter or greater from two stations. The western city limits also receive 2 millivolts per meter or greater from two stations. At a distance of twenty miles west of Dubuque, six stations are received with 0.5 millivolt per meter or greater; forty miles west of Dubuque five stations are received with 0.5 millivolt per meter or greater; twenty miles east of Dubuque there are seven stations which are received with a signal of 0.5 millivolt per meter or greater; and forty miles east of Dubuque there are six stations received with a signal of 0.5 millivolt per meter or greater.

The 10 millivolt per meter contour is the accepted standard for the minimum field intensity required to render good service in business sections of cities. The 2 millivolt per meter contour is the minimum intensity required to render good service in residential and suburban sections of cities. The 0.5 millivolt per meter contour is the intensity required to render what is specified as good service in rural sections. The 0.25 millivolt per meter contour is the standard for what is termed fair service in the rural areas, and the 0.1 millivolt per meter contour is the standard termed as poor service in rural areas.

CONCLUSIONS

Docket No. 3967

1. The Applicant, the Telegraph Herald, possesses the legal, technical, financial, and other qualifications to construct and operate the proposed station.

2. The applicant has failed to establish a need for additional daytime service in the area proposed to be served; nor does the applicant propose to render any new, novel, or different service from that already being received in that area. The major portion of the area proposed to be served by applicant is now receiving service from an existing facility located at East Dubuque, Illinois. The city of Dubuque is receiving at both its east and west city limits a signal of two millivolts per meter or greater from Station WMT at Waterloo, Iowa.

3. Issue No. 3 has no application to this case.

484 4. Application No. B4-P-687, from Clinton, Iowa, is the only one pending that is pertinent to this case. The

Clinton station requests operation on 1310 kilocycles, 100 watts power, unlimited time. Clinton, Iowa, is approximately fifty miles from Dubuque and the recommended separation between assignments such as are requested herein is 58 miles. Due, however, principally to the difference on the high frequency and the broadcast band, no interference is expected within the normally protected contours of the stations involved. The issues list as a pending application No. B4–P–965. This is an application pending for a broadcast facility at Cedar Rapids, Iowa. No interference is expected from this station to that of the applicant since the recommended separation is 62 miles and the actual 68.

5. The applicant will be required to mark the towers, should this application be granted, in accordance with the engineering specifications as contemplated by Section 303 of the Communications Act of 1934.

6. Since no exact site was specified in the application, it is recommended that in the event this application should be granted that the applicant be required to comply with the engineering standards of the Commission with respect to the site.

7. The granting of this application will not serve public interest, convenience, and necessity.

Docket No. 4031

1. The applicant is already serving the area proposed to be served by a station now located at East Dubuque, but should this application be granted, it is believed that the service of the station will be improved in the Dubuque area.

2. This issue has no application to this case.

3. There are a number of pertinent pending applications which involve the question of interference. These applications, however, also involve the question of interference, with the present assignment of WKBB. All of these applications request operation on 1500 kilocycles. The following is a list of the towns, power, and distance from East Dubuque of these pending applications: Appleton, Wisconsin, 100 watts, unlimited time, 168 miles; Oak Park, Illinois, 100 watts, unlimited time, 152 miles; Joliet, Illinois, 100 watts at night and 250 watts until local
485 sunset, unlimited time, 150 miles; Winona, Minnesota, 100 watts, unlimited time, 118 miles; and a station at Galesburg, Illinois, requesting 100 watts with specified hours, 110 miles. The distance given above as from East Dubuque since the application of WKBB only requests a removal of two miles from its present site. In each of the foregoing pending applications the recommended separations for operation at night is 180 miles and should either of these applications be granted, objectionable interference would be present for night operating conditions of

Station WKBB and with those as proposed but no interference is expected during daytime hours.

4. Applicant has not specified an exact site and it is therefore recommended that should this application be granted, that the applicant be required to comply with the engineering standards of the Commission with respect to a site.

5. The antenna which the applicant proposes to use will comply in all respects with the rules and regulations of the Commission, particularly Rule 131, and will render proper service.

6. The granting of this application will serve public interest, convenience and necessity.

RECOMMENDATIONS

It is accordingly recommended:

1. That the application of the Telegraph Herald, Docket No. 3967, be denied.

2. That the application of Sanders Brothers Radio Station (WKBB), Docket No. 4031, be granted.

JOHN P. BRAMHALL,
Examiner.

Submitted: October 31, 1936.

Released: Nov. 24, 1936. Exceptions Due: Dec. 9, 1936.

[Endorsed:] Federal Communications Commission. Mail and Files Section. 1936, Dec. 10, A. M. 8:20.

[Endorsed:] Federal Communications Commission. Dec. 9, 1936. Office of Secretary.

486 Federal Communications Commission, Washington, D. C.

Docket No. 3967

In re Application of Telegraph Herald (New), Dubuque, Iowa. For Construction Permit.

Docket No. 4031

In re Application of Sanders Brothers Radio Station (WKBB), East Dubuque, Illinois, For Construction Permit to move studio and transmitter to Dubuque, Iowa, and install new antenna.

Exceptions to examiners report No. I–310 and request for oral argument.

Comes now the Telegraph Herald, one of the applicants above named and excepts to the report of John P. Bramhall, Examiner, in connection with its application to construct a new station to be operated daytime only in Dubuque, Iowa, on 1340 kilocycles with

power of 500 watts, also in connection with the application of Sanders Brothers Radio Station (WKBB), for construction permit to move its studio and transmitter of Station WKBB to Dubuque, Iowa, and requests oral argument with regard to the said report.

EXCEPTIONS

(1) The applicant excepts to the finding of the Examiner that more than 50% of the witnesses whose depositions were taken are appearing or have appeared on the programs of Station WKBB, and also to the finding that each one of the deponents was advised that the applicant's proposed station would cover an area with a radius of 50 to 75 miles from Dubuque.

(2) The applicant excepts to the failure of the Examiner to find that several of the agricultural agents assigned as a reason why they were not now using the facilities of Station WKBB the fact that there was a very poor tie-up concerning farm programs (Dep. p. 3), or that suitable time was not made available (Dep. pp. 58-59, 270); and also to the failure of the Examiner to find that the Telegraph Herald plans to give to the agricul-
487 tural agents broadcast periods over its proposed station which will be most satisfactory to them (Exhibit #4; Dep. pp. 8, 57, 223, 266, 271).

(3) The applicant excepts to the failure of the Examiner to find that the publication of major network programs in the Telegraph Herald is in line with the policy of the Iowa Daily Newspaper Press (R. 314); that the Telegraph Herald has never been requested by WKBB to carry the programs of that station (R. 315); and that the Telegraph Herald has never refused advertising matter on the ground that it refers to WKBB programs (R. 311).

(4) The applicant excepts to the inference of the Examiner that the policy of the Telegraph Herald toward Station WKBB is for the purpose of "impairing or destroying the usefulness" of that station "in order to enhance its possibility of obtaining a permit to construct a radio station in the same community."

(5) The applicant excepts to the inference of the Examiner that the Telegraph Herald has been guilty of violating the laws of the State of Iowa concerning the advertising of alcoholic liquors, and to the Examiner's failure to include facts explanatory of the matter, if indeed the matter may be considered even remotely pertinent to the issues.

(6) The applicant excepts to the finding that Station WSPD will, on occasion, limit the service of the proposed station to approximately the 7 millivolt per meter contour.

(7) The applicant excepts to the finding of the Examiner that Walter E. Klauer was "summarily dropped" from the Chamber

of Commerce after he had purchased control of WKBB, and to the inference of the Examiner that any change in Klauer's Chamber of Commerce activities was due to the President of the Telegraph Herald, much less a "reprisal" on the part of that official.

(8) The applicant excepts to the finding that the record tends to show that executives high in the councils of the Telegraph Herald have long made an effort to bring WKBB into disrepute in the Dubuque area.

(9) The applicant excepts to the finding that the programs offered by Station WKBB are of "high standard, well balanced, and meritorious."

(10) The applicant excepts to the failure of the Examiner to find that numerous programs proposed by it are de-
488 partures from those broadcast by WKBB, and utilize a far greater percentage of local material. (R. 25–33.)

(11) The applicant excepts to the conclusion of the Examiner that it has failed to establish a need for additional daytime service in the proposed area and to render a type of service which is different from that already being received in that area.

(12) The applicant excepts to the conclusion of the Examiner that the granting of its application will not serve public interest, convenience, and necessity.

(13) The applicant excepts to the conclusion of the Examiner that the granting of the application of Sanders Brothers Radio Station will serve public interest, convenience, and necessity.

(14) The applicant excepts to the recommendation of the Examiner that the application of the Telegraph Herald be denied and that of Sanders Brothers Radio Station be granted.

Request for oral argument

The applicant, Telegraph Herald, requests an opportunity to present oral argument upon the Examiner's report, these exceptions, and the record in the case.

Respectfully submitted.

TELEGRAPH HERALD,
By (Sgd.) ELIOT C. LOVETT,
Its Attorney.

CITY OF WASHINGTON,
District of Columbia, ss:

I, Eliot C. Lovett, being first duly sworn, upon oath depose and say that I signed the foregoing Exceptions and Request as the attorney for the Telegraph Herald; that I know the matters and things set forth therein to be true of my own personal knowl-

edge except those stated upon information and belief and those I verily believe to be true; and that I have served a copy of the said Exceptions and Request upon each of the parties who participated in the proceeding by sending to each of them, by registered mail, postage prepaid, a copy thereof.

(Sgd.) ELIOT C. LOVETT.

489 Subscribed and sworn to before me a notary public in and for the District of Columbia this 9th day of December 1936.

[SEAL] (Sgd.) JERROLD B. ULLMAN,
Notary Public, D. C.

Federal Communications Commission, Washington, D. C.

Federal Communications Commission—Mail and Files Section.
1936, Dec. 11, A. M. 8:202

Docket No. 3967

In re Application of Telegraph Herald (New), Dubuque, Iowa. For Construction Permit.

Docket No. 4031

In re Application of Sanders Brothers Radio Station (WKBB), East Dubuque, Illinois, For Construction Permit to move studio and transmitter to Dubuque, Iowa, and install new antenna.

Request for Oral Argument

Now comes Sanders Brothers Radio Station, Inc., licensee of Radio Station WKBB, East Dubuque, Illinois, applicant in Docket No. 4031 and intervener in Docket No. 3967, by its attorneys, and pursuant to the provisions of Rule 106.29 respectfully requests permission to present oral argument at such time as the Commission may designate in opposition to the exceptions filed in the above-entitled cause on December 9, 1936, by the Telegraph Herald, applicant in Docket No. 3967.

Respectfully submitted.

SANDERS BROTHERS RADIO STATION (WKBB),
By LOUIS G. CALDWELL,
By REED T. ROLLO,
Its Att'orneys.

[Endorsed:] Federal Communications Commission, Office of Secretary. Dec. 10, 1936.

490 Minute #441

JANUARY 5, 1937—10:30 A. M.

Excerpt from Minutes of the Federal Communications Commission (Broadcast Division)

Present: Commissioners Sykes, Chairman, Case, and Prall.

Hearing Docket

The Broadcast Division granted the request for oral argument in re Examiner's Report No. I-310, on the applications of Telegraph Herald, Dubuque, Iowa, for construction permit for new station, Docket No. 3967, and Sanders Brothers Radio Station (WKBB), East Dubuque, Ill., for construction permit to move studio and transmitter to Dubuque, Iowa, and install new antenna, Docket No. 4031, and directed that said oral argument be heard on February 11, 1937.

[Endorsed:] Federal Communications Commission. Mar. 2, 1937. Office of Secretary. Received Mar. 3, 1937. Docket Section.

Federal Communications Commission, Washington, D. C.

Docket No. 3967

In re Application of Telegraph Herald (New), Dubuque, Iowa. For Construction Permit.

Docket No. 4031

In re Application of Sanders Brothers Radio Station (WKBB), East Dubuque, Illinois, For Construction Permit to move studio and transmitter to Dubuque, Iowa, and install new antenna.

Stipulation as to record

The parties to the above-entitled proceeding do hereby, through their respective attorneys of record, stipulate and agree that the record adduced at the consolidated hearing upon their applications be corrected and amended insofar as it is inconsistent
491 with the following facts which the parties requests that the Commission receive and make a part of the record in the case:

(1) Walter E. Klauer, President of Sanders Brothers Radio Station, was not assigned to any committee of the Dubuque Chamber of Commerce for the year 1931.

(2) The said Klauer was assigned to the Air Service Committee of the Chamber of Commerce for the year 1932. Mr. F. W. Woodward, President of the Telegraph Herald, was elected President of the Chamber of Commerce just prior to this committee appointment and served during the year 1932.

(3) The said Klauer was again assigned to the Air Service Committee of the Chamber of Commerce for the year 1933. Mr. Woodward was reelected for a second term as President just prior thereto and served during the year 1933.

(4) Station WKBB was moved from Joliet to East Dubuque, Illinois, and began operation at the new location in November 1933. The said Walter E. Klauer became associated with the station at that time and ultimately became the majority stockholder of the licensee corporation, his application for transfer of control being approved by the Federal Communications Commission on May 21, 1935.

(5) The said Klauer received no committee assignment for the year 1934. His 1933 assignment to the Air Service Committee expired in February 1934, at the same time that Mr. Woodward's term as President expired. Mr. Woodward was succeeded by Charles McLean, who was President of the Chamber of Commerce during the year 1934. Mr. McLean, by letter to Mr. Walter E. Klauer, under date of February 17, 1937, stated: "I was not aware that you had been a member of the Aviation Committee the preceding year, and did not observe the omission of your name from the list of members of that committee for the year 1934."

(6) For the year 1935 the said Walter E. Klauer was assigned to the Highways Committee and the National Legislation Committee. Mr. McLean was reelected President for 1935.

(7) The general practice regarding the appointment of committees of the Dubuque Chamber of Commerce is for
492 the secretary to prepare, at the direction of the new Board of Directors, a list of proposed committee assignments and to submit that list to the new president. The committees are then appointed by the new president, with the approval of the Board of Directors, immediately after the annual election. For the year 1934 the Board of Directors consisted of 17 persons, including the new president, Mr. McLean, and his predecessor, Mr. Woodward.

This stipulation is signed in quadruplicate this 2d day of March 1937. Two copies hereof are being filed with the record in the above-entitled proceedings.

SANDERS BROTHERS RADIO STATION (WKBB),
By REED T. ROLLO, *Its Attorney.*
TELEGRAPH HERALD,
By ELIOT C. LOVETT, *Its Attorney.*

Minute #540

JULY 2, 1937—10:00 A. M.

Excerpt from Minutes of the Federal Communications Commission (Broadcast Division)

Present: Commissioners Sykes, Chairman, and Case.

Hearing Docket

Upon consideration of the applications, record, and evidence in these cases, Examiner's Report No. I-310, the exceptions thereto and the oral argument heard, the Broadcast Division this day found that public interest, convenience, and necessity would be served by granting the applications of the Telegraph Herald for construction permit, and Sanders Brothers Radio Station for construction permit, and entered its final order granting the same in the following cases (Examiner sustained in part):

493 Ex. report	Docket No.	File No.	Applicant	Call letters	Nature of application	Action taken
I-310	3967	B4-P-990	Telegraph Herald, Dubuque, Iowa.	New	Construction Permit for new broadcast station to operate on 1340 kc.; 500 watts; Daytime. (Site to be determined, subject to Commission's approval.)	Application granted subject to compliance Rule 131.
	4031	B4-P-1147	Sanders Brothers Radio Station, Dubuque, Iowa.	WKBB	Construction Permit to move studio; move transmitter from R. F. D. # 1, E. Dubuque, Ill., to Julien Township, Iowa. (Site to be determined, subject to Commission's approval) and install new antenna. 1500 kc.; 100 watts night, 250 watts day; Unlimited time.	Application granted subject to compliance Rule 131.

The order as herein entered shall be effective at 3 A. M., Eastern Standard Time, July 27, 1937.

The permittees herein shall file applications for modification of construction permits, specifying the exact transmitter locations and the antenna systems within two months after the effective date of this order.

If, for any reason, such application cannot be submitted within the time allowed, an informal request for extension of time must be submitted stating the necessity therefor.

The Commission will issue and publish at a subsequent date an opinion setting forth a statement of the facts appearing of record and the grounds for the decision herein reached.

494 Federal Communications Commission, Washington, D. C. 22000

Order granting applications

July 2, 1937

The Commission this day entered its final order as indicated herein in the following cases:

Ex. report	Docket No.	Applicant	Call letters	Nature of appl.	Action taken
I-310	3967	Telegraph Herald, Dubuque, Iowa.	New	Construction Permit for new broadcast station to operate on 1340 kc.; 500 watts; daytime. (Site to be determined, subject to Commission's approval.)	Application granted subject to compliance with Rule 131.
	4031	Sanders Brothers Radio Station, Dubuque, Iowa.	WKBB	Construction permit to move studio; move transmitter from R. F. D. #1, E. Dubuque, Ill., to Julien Township, Iowa (site to be determined, subject to Commission's approval) and install new antenna. 1500 kc.; 100 watts night, 250 watts day; unlimited time.	Application granted subject to compliance with Rule 131.

The order as herein entered shall be effective at 3 A. M., Eastern Standard Time, July 27, 1937.

The permittees herein shall file applications for modification of construction permits, specifying the exact transmitter locations and the antenna systems, within two months after the effective date of this order.

If, for any reason, such applications cannot be submitted within the time allowed, an informal request for extension of time must be submitted stating the necessity therefor.

The Commission will issue and publish at a subsequent date an opinion setting forth a statement of the facts appearing of record and the grounds for the decision herein reached.

By order of the Commission:

I hereby certify that the foregoing is a full, true, and correct copy of the Order of the Federal Communications Commission, in Docket No. 3967 & 4031.

[SEAL] T. J. SLOWIE, *Secretary.*

By CHARLES W. WORTHY.

495 Minute # 546

JULY 30, 1937—10:30 A. M.

Excerpt from Minutes of the Federal Communications Commission (Broadcast Division)

Present: Commissioners Sykes, Chairman, and Case.

Ratifications

The Broadcast Division ratified the following actions taken on the dates shown below:

Nature of Action—In the matter of the applications of Telegraph Herald, Dubuque, Iowa, for construction permit, Docket No. 3967, and Sanders Brothers Radio Station (WKBB), East Dubuque, Ill., for construction permit, Docket No. 4031, on which an order was heretofore entered on July 2, 1937, the Broadcast Division adopted and published a statement of facts and grounds for decision. Date of action 7-27-37.

(S) T. J. SLOWIE,
Secretary.

Before the Federal Communications Commission, Washington, D. C. 22272

Docket No. 3967

In the Matter of Telegraph Herald, Dubuque, Iowa, For Construction Permit

Docket No. 4031

Sanders Brothers Radio Station (WKBB), East Dubuque, Illinois, For Construction Permit

Submitted February 11, 1937. Decided July 2, 1937

Held, that the granting of an application for construction permit (Docket No. 3967) for a new station to be located at Dubuque, Iowa, would serve public interest, convenience and necessity.

496 Held, that the granting of an application for construction permit (Docket No. 4031) to move an existing station from East Dubuque, Illinois, to Dubuque, Iowa, and to install new antenna would serve public interest, convenience, and necessity.

APPEARANCES

Eliot C. Lovett on behalf of the Telegraph Herald; Louis G. Caldwell and Reed T. Rollo on behalf of Sanders Brothers Radio Station; Horace L. Lohnes and E. D. Johnston on behalf of Station WSPD; Tyler Berry on behalf of the Commission.

Statement of facts and grounds for decision

By the Commission: Broadcast Division, Commissioners Sykes, Chairman; Case, and Prall

The Telegraph Herald on January 20, 1936, filed an application for construction permit for a new station to be located at Dubuque, Iowa, operating on the frequency 1340 kilocycles with 500 watts, daytime. On May 14, 1936, Sanders Brothers Radio Station, licensee of Station WKBB, located at East Dubuque, Illinois, and operating on the frequency 1500 kilocycles with 100 watts–250 L. S., filed an application for construction permit to move the station to Dubuque, Iowa, and install a new antenna.

The Commission was unable to determine from examination of these applications that the granting of either would serve public interest, convenience, and necessity, and, pursuant to Section 309 (a) of the Communications Act of 1934, designated the same for public hearing before a duly appointed examiner. Appropriate notices of the time and place of the hearings and the issues to be determined in each case were served upon the applicants and other interested parties. Each of the applicants petitioned to intervene in the hearing on the application of the other. The petitions were granted. The hearings were called at the time and place provided in the respective notices and were thereupon consolidated, no objection being offered to such consolidation on the part of either of the applicants. The hearing was held on
497 September 14, 1936, before an examiner. The examiner in his report (No. I–310) recommend that the application of the Telegraph Herald, Docket No. 3967, be denied, and that the application of Sanders Brothers Radio Station (WKBB), Docket No. 4031, be granted. To this report exceptions were filed on behalf of both applicants. Oral argument was heard on February 11, 1937. The exceptions do not raise any questions not necessarily involved in the determination of the applications on their merits. Thereafter, on July 2, 1937, the Commission entered its final order granting both of the applications, the said order to become effective at 3:00 a. m., Eastern Standard Time, July 27, 1937.

GENERAL STATEMENT

Dubuque, Iowa, is situated in the northeastern portion of the state upon the west bank of the Mississippi River.

The States of Wisconsin and Illinois lie directly across the river. East Dubuque, the present location of Station WKBB, is directly east across the Mississippi River from Dubuque. The applicants propose to serve not only the City of Dubuque but Jackson, Dubuque, Delaware, and Clayton Counties in the State of Iowa, Grant County, Wisconsin, and Jo Daviess County, Illinois. The population of the City of Dubuque, according to the 1930 census, is 41,679. The population of the counties comprising the area proposed to be served, according to the same census, follows: Dubuque County, Iowa, 61,214; Clayton County, Iowa, 24,559; Delaware County, Iowa, 18,122; Jackson County, Iowa, 18,481; Grant County, Wisconsin, 38,469; and Jo Daviess County, Illinois, 20,235. The population is predominately rural and native white.

There are 592 wholesale and retail outlets in the City of Dubuque. Among its industries are meat packing, the manufacture of farm machinery, farm tools, and other commodities. The retail trade for 1935 approximated $17,122,800. The city has numerous primary and high schools, both public and parochial. Five colleges and universities are located in the area. In short, Dubuque is not only an important industrial city, but it is the thriving and prosperous center of a highly developed farm area devoted to stock and poultry raising, growing grain, and dairying. Abundant program material is available, including
498 orchestras, glee clubs, educational and scientific groups, many of whom have already expressed willingness to participate in the presentation of programs.

Station WKBB is the only station which delivers a signal of 10 mv/m in the business section of Dubuque. This station, however, does not cover the entire rural area described above. The record shows that there is need for broadcast facilities, centered in Dubuque, to serve the trade area of that city and the surrounding rural country.

With Respect to the Application of the Telegraph Herald

The applicant, Telegraph Herald, is an Iowa corporation. The original charter of the corporation was amended so as to authorize the corporation to do all things incidental to the conduct of radio broadcast business. The stockholders of the corporation are all citizens of the United States. The President of the company is Mr. Fred W. Woodward who owns approximately 51% of the stock. The applicant is legally qualified.

The assets of the corporation total $1,097,712.36, consisting of cash on hand, in banks and post-office deposits, notes receivable, accounts receivable, investments, real estate, machinery and equipment, furniture, fixtures, automobiles, insurance paid in advance, patents, franchise and goodwill, circulation structure, and stock. The liabilities, including accounts payable, reserve for depreciation of machinery, equipment, furniture and fixtures, surplus, capital stock, preferred and common, are fixed at $1,097,712.36. The current liabilities are fixed at $160,000, thus leaving a net worth in excess of $840,000.

The corporation is now engaged in the publication at Dubuque, Iowa, of the Telegraph Herald, a daily newspaper. The Telegraph Herald maintains a reportorial staff in the City of Dubuque of five reporters, one society editor, and has approximately 150 county correspondents as a news gathering organization. The circulation area of the paper is approximately that of the trade area of the City of Dubuque. This paper has the franchise for the Associated Press, United Press, and International News service.

The proposed station will be operated separately from the Telegraph Herald, but will have its financial backing;
499 and funds have already been set aside for the purpose of meeting such expenses as may be incurred in connection with the construction of the proposed station. A large number of advertisers have signified that they would be interested in using the station as an advertising medium. The applicant is financially qualified to construct and operate the proposed station, the cost of which will be discussed below.

The tentative plans of the applicant are to install a Collins Type 20-A transmitter with a quarter wave vertical radiator. An efficient ground system will also be installed. This will consist of a network of copper wires of not less than 120 radials spaced 3 degrees apart extending outward from the base of the radiator for a distance of at least 185 feet. They will be buried in the ground about six inches below the surface. The approximate cost of this equipment installed will be $25,000.00. The applicant proposes to construct two studios which will be soundproofed and acoustically treated. One of the studios will be sufficiently large to accommodate orchestras and large groups of people. The staff personnel of the proposed station will include a manager, a chief engineer, assistant engineer, a program director, chief announcer, two assistant announcers, three operators, one stenographer, and a sales force. The estimated monthly operating expense of the proposed station will be approximately $2,000.00. The applicant has shown itself to be technically qualified to operate the proposed station.

It is also estimated that the station will render good rural service with 500 microvolts per meter for a distance of thirty five miles from the transmitter. The evidence further shows that the station will lay down a signal of 10 millivolts per meter at a distance of approximately 7½ miles and 2 millivolts per meter at 18 miles. The 0.25 millivolt per meter signal would extend to a distance of 48 miles. The following population would be served: within the 10 millivolt per meter contour, 51,300; within the 2 millivolt per meter contour, 81,009; within the 0.5 millivolt per meter contour, 136,320; and within the 0.25 millivolt per meter contour, 292,900.

The applicant proposes to establish programs of special interest to the rural sections, which would include the
500 counties of Dubuque, Clayton, Delaware, and Jackson in the State of Iowa: Grant County, Wisconsin; and Jo Daviess County, Illinois. These programs will be prepared and presented by the agricultural agents and county school superintendents of each of these counties. The programs will be rotated on a six days a week basis between the six counties, each county agricultural agent and school superintendent giving a program for their respective counties at a suitable hour once a week. These programs will go on the air from the studio at Dubuque with the exception of special occasions when remote control will be established by the applicant at various points where the programs originate. These programs are intended to deal with the general educational problems applicable to rural communities and to the agricultural sections of the area proposed to be served.

The proposed station would render a good rural service as far northwest as Elkader, which is the county seat of Clayton County, Iowa. Delaware County, which is partially within the area the applicant proposes to serve, lies directly west of Dubuque and the western line of this county is approximately fifty miles from Dubuque. The proposed station would render a good rural service throughout the entire area of Jackson County, Iowa, which lies to the south of Dubuque, also in Jo Daviess County, Illinois, which is across the river and southeast of Dubuque. The station would also render good rural service in the greater portion of Grant County, Wisconsin, which lies across the Mississippi River and to the northeast of Dubuque. The service proposed is undoubtedly needed in the highly developed farming area described.

During the course of a typical week, the applicant proposes to devote 12¼ hours to education, 10⅙ hours to agriculture, 35½ hours to entertainment, 5 1/12 hours to religion, 10¾ hours

to news, and 1¾ hours to fraternal and civic broadcasts. There will be maintained at least four permanent remote controls to colleges, churches, and the United States Weather Bureau, supplemented by several temporary connection to special activities in the six counties described.

It is the purpose of the applicant to emphasize agricultural and educational programs, to broadcast religious pro-
501 grams offered by all denominations, to cooperate with and give free time to all civic, philanthropic, charitable, and fraternal organizations, the local county and state agencies, and to provide a forum for the discussion of questions of public concern. The regular programs will also include safety flashes, weather reports, morning devotions, organ recitals, market reviews, health talks, book reviews, sports reviews, children's hours, and other features, including news announcements. The tentative program submitted by the applicant covers a wide range of interesting subjects and is not only educational and instructive, but entertaining, and touches practically every phase of religious, social, business, and educational activities of interest to the community which it proposes to serve.

It is expected that there will be a slight degree of interference experienced within the ½ millivolt per meter contour of the proposed station, caused principally by Station WSPD, Toledo, Ohio, in the early morning and late afternoon hours. The magnitude of such interference will depend upon the season of the year. In view of the fact that Station WSPD is operating 5 kilowatts in the daytime and reducing power at least one hour previous to the time the proposed station would sign off, it would be expected that some degree of interference may be experienced on occasions within the 0.5 millivolt per meter contour of Station WSPD by the operation of the proposed station, but such interference would be slight and not sufficiently important to preclude the granting of this application.

With Respect to the Application of Sanders Brothers Radio Station (WKBB)

Sanders Brothers Radio Station is an Illinois corporation. It owns and operates Station WKBB, which was originally licensed for operation at Joliet, Illinois, but is now located at East Dubuque, Illinois. On June 29, 1934, the station was granted unlimited time on the frequency 1500 kc., using 100 watts power. On May 14, 1935, the authorized power was increased to 100 watts, 250 watts L. S., unlimited time, which is the present assignment of the station. Walter E. Klauer, the principal stockholder, is

President; his father, W. E. Klauer, is Vice President; and John D. Carpenter is Treasurer of the corporation. W. E.
502 Klauer is President, and Walter E. Klauer, General Manager of the Klauer Manufacturing Company, manufacturers of snow-removal equipment. This company is one of the largest industries in the City of Dubuque. Mr. Walter E. Klauer is also Vice President of the Klauer-Julien Hotel Corporation, which operates the Hotel Julien in Dubuque, one of the largest hotels in the State of Iowa. All of the stockholders of the Sanders Brothers Radio Station are citizens of the United States. There is no question as to the legal qualifications of this applicant.

The financial statement of Sanders Brothers Radio Station for the eight-month period ending August 31, 1936, shows that the total income of the corporation for that period was $21,453.57. The operating expense during that period was $16,546.90, leaving a net profit of $4,906.67. Against this net profit there is an item of depreciation of $2,594.72, and reserve for uncollected debts of $2,487.23, leaving a net loss for the operating period of $475.28. The statement further discloses that the station sustained a deficit for the year 1935 of $4,165.85, while the deficit for the eight months of 1936 was only $475.28, indicating an improved financial condition in the operation of the station. The current and fixed assets of the corporation are valued at $30,410.37. This includes cash in bank $5,874.67 and accounts receivable $11,144.31; less reserve of $2,509.23 for bad debts. The current liabilities are fixed at $30,410.37. This includes capital stock $25,000, less surplus deficits $4,641.13, plus accounts payable.

The estimated cost of the new equipment and expense of moving Station WKBB from East Dubuque, Illinois, to Dubuque, Iowa, includes: tower, $4,000.00; ground system, $500.00; building, $5,000.00; land for the transmitter site, $3,000.00; land improvements, $1,000.00; moving and installation of fixtures and equipment, $1,500.00; or a total of $15,000.00.

The estimated monthly cost of operating the station would be approximately $2,00.00. These figures are based on the profit-and-loss statement filed by the applicant in this case. The average monthly receipts of the station, based on the same statement, are approximately $2,600.00.

Walter E. Klauer, President of Sanders Brothers Radio Station, and owner of practically all of the outstanding stock
503 of the corporation, testified that he had an annual income in excess of $15,000 from his connections other than that of President of Sanders Brothers Radio Station, and that he had sufficient funds available to finance the removal of Station WKBB from East Dubuque, Illinois, to Dubuque, Iowa, should

this application be granted. The improved financial condition of the station, and the commitment of the principal stockholder that he will defray the cost of removal, when considered in the light of his available income and the probable financial support of the station, show that the applicant is financially qualified in the premises.

The applicant proposes to construct a vertical radiator 250 feet in height. The ground system will consist of 100 radials of one-inch copper ribbon, 250 feet long, equally spaced, and buried radially, the antenna at center, and also of a thirty-foot square ground screen placed immediately below the radiator to reduce the ground losses. The applicant will use its present transmitter, which was recently purchased and installed. It is apparent that the applicant is technically qualified.

The average radius of the 0.5 mv/m contour for Station WKBB, operating with its proposed antenna in its proposed location, about three miles south of Dubuque on the west side of the Mississippi River, would be approximately 32½ miles. Field strength measurements of the present signal of Station WKBB showed that in the center of the City of Dubuque the signal was 10 mv/m or greater; at the western limits of Dubuque it was 2 mv/m or greater; while 20 miles west it was 0.5 mv/m or greater. As a result of granting this application the station's antenna efficiency will be increased and consequently achieve a substantially larger coverage than now exists. Several thousand additional population will be served, aggregating approximately 60,000 persons within the 0.5 mv/m contour during daytime hours, and 10,000 persons within the 2 mv/m contour during night hours. There is an existing need that this large additional number of people receive broadcasting facilities of the kind and character proposed.

The regular program service of the station includes popular, classical, and folk music; morning studio church services; 504 educational broadcasts; sports and news announcements; agricultural talks by the County Agent for Dubuque County; and the dissemination of material supplied by the United States Department of Agriculture, Iowa State Extension Service, and the Illinois and Wisconsin Departments of Agriculture. Numerous other features of general interest to the public are also broadcast.

The applicant has offered the facilities of the station, without charge, to all of the educational institutions of Dubuque; to churches, civic organizations, law-enforcement officers, city officials, and to other officers and groups. In several instances the applicant has supplied remote-control equipment to aid in the dissemination of programs, particularly in the schools and colleges of Dubuque.

The programs offered the listening public by Station WKBB are of high standard, well-balanced, and meritorious.

Neither applicant has provided for a definite transmitter site. Each, therefore, will be required within two months after the effective date of this order to file applications for modifications of the grants made herein, specifying the exact transmitter locations and the antenna systems.

After careful consideration of the applications, the evidence adduced at the hearing, the Examiner's Report, the exceptions taken thereto, the oral argument, and the entire record, the Commission, Broadcast Division, was of the opinion, and so found, that public interest, convenience, and necessity will be served by granting the applications of Telegraph Herald and Sanders Brothers Radio Station for construction permits. Accordingly, on July 2, 1937, the Commission entered its final order granting the applications, subject to compliance with Rule 131, effective at 3:00 a. m., E. S. T., July 27, 1937.

I hereby certify that the foregoing is a full, true, and correct copy of the Statement of Facts and Grounds for Decision of the Federal Communications Commission in Docket No. 3967 & 4031.

[SEAL] T. J. SLOWIE,
Secretary.

By THEODORE PIERSON.

505 [Endorsed:] Received July 26, 1937. Docket Section. Docket Com. En banc 8/18/37.

Federal Communications Commission, Washington, D. C.

Docket No. 3967

In re Application of Telegraph-Herald (New) Dubuque, Iowa.
For Construction Permit

Operating Assignment Requested: Frequency, 1340; Power, 500 watts; Hours of Operation, Daytime.

Petition to extend effective date

Now comes Sanders Brothers Radio Station, licensee of Radio Station WKBB, East Dubuque, Illinois, and intervener in the above-entitled cause, by its attorneys, and respectfully petitions the Commission to extend the effective date of the decision and order on the above-entitled application made and entered July 2, 1937, for a period of 20 days from July 27, 1937 and in support thereof shows as follows:

(1) On July 2, 1937, through press release mimeograph No. 21598 the Broadcast Division announced that it had granted the above-described application, reversing the examiner, said decision and order to become effective July 27, 1937.

(2) Petitioner believes and therefore alleges that the Broadcast Division overlooked or failed to consider certain material facts contained in the record which, if given due consideration, would have resulted in a denial of the application, and petitioner therefore is desirous of filing a petition for rehearing pursuant to the provisions of Rule 106.31 of the Commission's Rules and Regulations and Section 405 of the Communications Act of 1934.

(3) Petitioner further believes and therefore alleges that no statement of facts supporting said decision has been made or released. Until such time as petitioner has had an opportunity to examine the statement of facts and grounds for decision it is unable to prepare properly said petition for rehearing.

506 (4) In the event petitioner is unsuccessful in obtaining a rehearing in accordance with the provisions of Rule 106.31 of the Commission's Rules and Regulations and Section 405 of the Communications Act of 1934, it will then appeal to the United States Court of Appeals for the District of Columbia pursuant to the provisions of Section 402 (b) of the Communications Act of 1934. Inasmuch as the 20-day period allowed by Rule 106.31 for the filing of a petition for rehearing and the 20-day period allowed in Section 402 (b) of the Communications Act of 1934 run concurrently, petitioner will not have sufficient time to examine the statement of facts and grounds for decision, to prepare its petition for rehearing and, in the event of a denial of such petition, to prepare and file its notice of appeal within the time allowed by law unless the effective date of the Commission's decision is extended as herein requested.

(5) The Commission has recently held that the filing of an appeal deprives the Commission of jurisdiction over a petition for rehearing (In re Application of Missouri Broadcasting Corporation, Docket 6869) and petitioner is therefore precluded from filing an appeal to the United States Court of Appeals for the District of Columbia until such time as the Commission has considered and acted upon the petition for rehearing.

Wherefore, the premises considered, petitioner respectfully requests that the effective date of the decision and order of the Broadcast Division in the above-entitled cause be extended for a period of 20 days from July 27, 1937.

SANDERS BROTHERS RADIO STATION (WKBB),
By REED T. ROLLO, *Its Attorney.*

Minute #551

2:30 P. M.—AUGUST 18, 1937.

Excerpt From Minutes of the Federal Communications Commission (General Session)

Present: Commissioners Sykes, Acting Chairman; Payne, Brown, and Case.

* * * * * * *

507 Hearing Docket

The Commission denied the petition of Sanders Brothers Radio Station (WKBB) requesting an extension of the effective date of the decision of the Broadcast Division entered July 2, 1937, granting the application of the Telegraph Herald for a new station at Dubuque, Iowa, Docket No. 3967.

* * * * * * *

[Endorsed:] Received July 30, 1937. Docket Section.

Federal Communications Commission (Broadcast Division), Washington, D. C.

Docket No. 3967

In re Application of Telegraph-Herald, Dubuque, Iowa. For Construction Permit To Operate on 1340 kc. daytime with 500 w. power.

Notice and demand

Sanders Brothers Radio Station, a Corporation, licensee of Station WKBB operating at East Dubuque, Illinois, a party to the proceeding upon the above-described application, by its attorneys, respectfully gives notice to and makes demand upon the Broadcast Division of the Commission to serve Station WKBB with certain documents hereinafter described below which it is believed were considered by said Division in arriving at its decision upon the Telegraph-Herald application, and in support thereof says:

(1) On July 2, 1937, the Broadcast Division made and entered its decision and final order granting the application of said Telegraph-Herald, reversing the Examiner, and said decision and order became effective July 27, 1937. The Examiner's Report, which was released November 24, 1936 (No. I-310), recommended "That the application of the Telegraph-Herald, Docket

3967, be denied." The applicant on December 9, 1936, filed its exceptions to the Examiner's Report and requested oral argument, and on February 11, 1937, oral argument upon the case was heard before the Broadcast Division.

508 (2) Station WKBB believes and upon such belief alleges that an answer to said exceptions in the nature of a further report upon the case by the Examiner was presented to the Broadcast Division by the Examining Department at sometime prior to oral argument upon the application.

(3) Station WKBB believes and upon such belief alleges that the Law Department of the Commission at sometime prior to the decision and subsequent to the oral argument presented a memorandum or report to the Broadcast Division for its consideration in making a decision upon the case.

(4) Station WKBB believes and upon such belief alleges that the Engineering Department of the Commission at sometime subsequent to oral argument and prior to decision presented a report upon the engineering features of the case to the Broadcast Division for its consideration in arriving at a decision.

(5) Said reports of the Examining Department, the Law Department, and the Engineering Department were submitted to the Broadcast Division for its consideration in making a determination upon the case, and such reports, which it is understood are confidential documents, have never been served upon or made available to Station WKBB.

(6) Such report of the Examining Department, if presented as alleged in Par. 2, was not served upon Station WKBB as provided in Rule 106.28 and Station WKBB has had no opportunity to be confronted with the facts therein contained or to make answer thereto.

(7) Such report of the Law Department, if presented for consideration by the Broadcast Division as alleged in Par. 3, is understood to be a report and recommendation upon the evidence in the nature of exceptions to the Examiner's Report. Since the Law Department entered an appearance for the Commission and participated in the proceeding upon the above-described application, said report was not served upon Station WKBB as required under Rule 106.28 of all parties participating in the hearing and Station WKBB has had no opportunity to be confronted with the facts contained in said report or to make answer thereto.

509 (8) Such report of the Engineering Department, if presented as alleged in Par. 4, deprived Station WKBB of an opportunity to be confronted with and cross-examine all the evidence considered by the Commission in arriving at its decision. A representative of the Engineering Department was presented

as a witness at the hearing and was cross-examined by counsel for Station WKBB.

Station WKBB believes that the Broadcast Division in granting the above-described application overlooked or failed to consider certain material evidence which, if given due consideration, would have resulted in a denial of the application. At such time as the Statement of Facts and Grounds for Decision are released, Station WKBB intends to file a petition for rehearing in order to present to the Commission en banc a full statement of all matters overlooked or not considered by the Broadcast Division. Station WKBB desires to be apprised of all matters including the three reports above-described, which were considered by the Broadcast Division in making a determination upon the case.

For the reasons above stated, Station WKBB herewith makes demand to be served within a reasonable time with any or all of the above-described reports of the Examining Department, Law Department or Engineering Department.

Respectfully requested.

SANDERS BROTHERS RADIO STATION,
By LOUIS G. CALDWELL,
By REED T. ROLLO,
By DONALD C. BEELAR,
Its Attorneys.

Minute #550

AUGUST 18, 1937—10:30 A. M.

Except from Minutes of the Federal Communications Commission (Broadcast Division)

Present: Commissioners Sykes, Chairman, and Case.

Hearing Docket

* * * * * * *

The Broadcast Division refused the demand for certain memoranda and recommendations submitted by the Examining, Engineering, and Law Departments of the Commission relative to the application of Telegraph-Herald, Dubuque, Iowa, for construction permit, Docket No. 3967, made by the Sanders Brothers Radio Station, a respondent.

510

* * * * * * *

[Endorsed:] Law Dept. Broadcast Division. Aug. 11, 1937. Received. Rec'd by registered mail addressed to Mr. Porter.

Federal Communications Commission (en banc), Washington, D. C.

Docket No. 3967

In Re Application of Telegraph Terald, Dubuque, Iowa, For Construction Permit To Operate on 1340 kc. daytime with 500 w. power.

Petition for rehearing

Sanders Brothers Radio Station, licensee of station WKBB, operating at East Dubuque, Illinois, on 1500 kc. unlimited hours with 250 watts day and 100 watts night, and a participant in the above-entitled proceeding, hereby makes application to the Commission, en banc, under Section 405 of the Communications Act of 1934 and Rule 106.31, Rules of Practice and Procedure, for a rehearing upon the decision and order of the Broadcast Division made and entered July 2, 1937, granting the application of the Telegraph Herald, Dubuque, Iowa, and in support thereof says:

Questions of Law

1. The Broadcast Division is without jurisdiction or power to render said decision and final order of July 2, 1937, without having, either at the time thereof or at any time prior thereto, made or formulated any findings of fact in support of its decision. Said order, not being supported by any findings contained therein or findings made previously or concurrently therewith, is void. Said decision, which was made July 2, 1937, and publicly announced on the same day (Release No. 21598), became finally effective July 27, 1937. After the final effective date, to wit,
511 on July 31, 1937, a document entitled "Statement of Facts and Grounds for Decision" (Release No. 22272) was served upon Petitioner. Said statement of supposed findings, which was adopted on July 27, 1937, was not prepared for presentation to the Broadcast Division until July 22, 1937, twenty days after the decision was made.

2. Petitioner is informed and believes and upon such information and belief alleges as a fact that the Broadcast Division in arriving at its decision considered certain confidential reports which were submitted by the Examining Department, the Law Department, and the Engineering Department of the Commission, as more fully set forth and described in Petitioner's Notice and Demand filed with the Broadcast Division on July 21, 1937, which is incorporated by reference herein. Said reports, if presented for consideration as alleged herein and in said Notice and Demand, were never served or made available to Petitioner as

provided in Rule 106.28, and Petitioner, in being denied an opportunity to be confronted with the facts contained in said reports and to make answer thereto, has been deprived of a full and fair hearing as required by due process of law and the Constitution of the United States, Fifth Amendment.

3. Said Statement of Facts and Grounds for Decision, even if considered as findings to support said decision and order of July 2, 1937, are arbitrary and capricious as a matter of law in that (1) there is no finding nor any substantial evidence upon which to base a finding of any need for the additional service proposed by Applicant; (2) there is no finding nor any substantial evidence upon which to base a finding that the service now rendered by station WKBB and by numerous other stations serving the Dubuque area is in any respect inadequate; and (3) there is no finding or any consideration of certain material evidence concerning the issue of Applicant's qualifications and the competency and reliability of the testimony presented by Applicant's principal witness (Mr. Arndt) as hereinafter stated. Said evidence, which covers several pages of testimony throughout the record and is reported at length in the Examiner's Report (I–310, pp. 8 & 9), is completely ignored in the supposed findings. Facts and circumstances which ought to be considered were excluded by the Broadcast Division.

512 4. At the time said decision was made on July 2, 1937, the only findings before the Broadcast Division were those contained in said report of the trial Examiner, who recommended "That the application of the Telegraph Herald, Docket No. 3967, be denied," and said findings, as a mater of law, can support only one conclusion, namely "The granting of this application will not serve public interest, convenience, and necessity." The Examiner found (p. 16):

"2. The applicant has failed to establish a need for additional daytime service in the area proposed to be served; nor does the applicant propose to render any new, novel, or different service from that already being received in that area. The major portion of the area proposed to be served by applicant is now receiving service from an existing facility located at East Dubuque, Illinois. The city of Dubuque is receiving at both its east and west city limits a signal of two millivolts per meter or greater from Station WMT at Waterloo, Iowa."

5. The Broadcast Division erred in failing to find by written findings made prior to entry of decision and issuance of the final order, or in failing to confirm the findings of the trial Examiner that the granting of the application of the Telegraph Herald will not serve public convenience, interest, or necessity.

Matters Erroneously Set Forth in Statement of Facts

6. The statement "To this report (Examiner's report) exceptions were filed on behalf of both applicants" (p. 2, par. 2) is incorrect. The Examiner's report recommended that the application of Station WKBB be granted and that the application of the Telegraph Herald be denied. Exceptions were filed on behalf of the Telegraph Herald. No exceptions were filed on behalf of Station WKBB.

7. The statement "The estimated monthly cost of operating the station (WKBB) would be approximately $2,000.00" is obviously incorrect. The evidence shows, and the examiner correctly reported, that the expected cost of operation would be approximately $2,000.00 per month.

8. The several statements concerning service area and coverage are incorrect insofar as they attempt to establish or infer
513 that the service or coverage of the Telegraph Herald station will be any more extensive than the service and coverage of station WKBB. For example, it is reported (p. 2, par. 4): "The applicants propose to serve not only the City of Dubuque but Jackson, Dubuque, Delaware, and Clayton Counties in the State of Iowa; Grant County, Wisconsin; and Jo Daviess County, Illinois."

Then on p. 3, par. 3, it is stated:

"Station WKBB is the only station which delivers a signal of 10 inv m in the business section of Dubuque. This station, however, does not cover the entire rural area described above."

Actually neither station will cover the rural area referred to. It is established by the evidence of record that station WKBB operating at a new location with the improved radiating system, as authorized, will render a signal in the order of .5 millivolt to ½ of Grant County, ½ of Lafayette County, ¾ of Jo Daviess County, 1/10 of Carroll County, 1/8 of Jackson County, ½ of Jones County, all of Dubuque County, 1/7 of Clayton County, ¼ of Clinton County and 2/5 of Delaware County (R. 165–167).

The service area of the Telegraph Herald station will be approximately the same as that of station WKBB.

It is noted that the statement of facts erroneously omits any reference to Jones County, approximately ½ of which will be covered by both stations.

The evidence shows that the Telegraph Herald station will render a signal in the order of .5 millivolt over a radius of approximately 35 miles. Station WKBB will render a daytime

signal in the order of .5 millivolt over a radius of approximately 32½ miles. The estimated population residing within the .5 millivolt contour of the Telegraph Herald station is 136,320 persons. The estimated population residing within the .5 daytime millivolt contour of station WKBB as found by the Examiner (p. 13, par. 3) is 154,000 persons.

Actually the daytime service areas of WKBB and of the proposed stations are practically coextensive. There is no basis on the record for any distinction as inferred in the
514 statement of facts. If any significance is to be attached to the slight difference between the two service areas, the difference is in favor of station WKBB.

The Telegraph Herald station will be subject to interference from station WSPD during the early morning and late afternoon hours. Station WSPD operates with 5,000 watts power daytime on 1340 kc. (the same channel requested by applicant) at Toledo, Ohio, which is 378 miles from Dubuque. The recommended separation is 400 miles (R. 197). The interference to the Telegraph Herald station will vary in intensity from day to day and from season to season and will be more severe during the winter months. On some occasions, as the Examiner found (p. 10), the Telegraph Herald station will be severely limited.

9. The statement "A large number of advertisers have signified they would be interested in using the station as an advertising medium" (p. 4, par. 1) is too indefinite to serve as a finding of expected commercial support or as a finding of a need for the proposed Telegraph Herald station under the circumstances of this case.

There is no evidence of any substantial character upon which a finding can be based that there is sufficient commercial support for a second radio station in Dubuque or upon which an estimate can be made of the expected advertising revenues of the proposed station. No estimate, nor any facts upon which to base an estimate of expected monthly income were presented by the Applicant (Ex. Rep. p. 5, par. 4). In fact the rates which the Telegraph Herald would charge for the sale of time on the station have not been determined (R. 81).

Dubuque, Iowa, has a population of 41,679 (1930). While communities of this size are generally considered adequate to support one radio station, it is the exception rather than the rule for two stations to be located in communities of less than 50,000. Out of the total of 656 radio broadcasting stations, there are only 9 communities with a population of less than 50,000 which have more than one radio station. In each instant the area surrounding these communities does not receive primary service from

other stations. In contrast, the Dubuque area receives primary service from twelve stations, including WKBB. Dubuque, Iowa, because of its size, may be considered prima facie as a
515 marginal community in which to locate a second radio station. Under these circumstances, we have a right to expect that an Applicant for a new station would be required to make a positive and convincing showing of sufficient commercial support.

The only evidence in this record of prospective commercial support is the statement by Mr. William J. Arndt, Circulation Manager of the Telegraph Herald, that some 60 merchants expressed a desire to advertise over the proposed station (R. 22). There is no evidence as to the amount of time which any of these concerns would be expected to use. It was admitted that half of the concerns are using or have used station WKBB. It was also admitted that rates were not discussed (R. 81). The evidence shows that out of the total of 65 concerns contacted, 33 have advertised over station WKBB, and of these, 18 have purchased time on the station during 1936. The 30-odd concerns which are not clients of Station WKBB were contacted by salesmen connected with station WKBB and adequate time is available on the station for their use (R. 282–284).

Insofar as the evidence on commercial support is concerned, there is not a single fact in the supposed findings which can stand as a reasonable basis for disregarding the Examiner's recommendation that the application be denied. The evidence presented by the Telegraph Herald on commercial support is considerably more fragmentary and indefinite than evidence on commercial support heretofore denounced by the Broadcast Division in other cases, e. g., the Broadcast Division in its statement of facts on the application of the Valley Broadcasting Company, Docket No. 3159, decided June 29, 1937, said:

"The applicants estimate a probable income from the station at about $2,800 monthly. The record discloses, however, that the partnership has no subscriptions for advertising services. There is some evidence in the record that several local firms would be interested in radio broadcast advertising but there is no definite evidence in the record as to the amount of actual business support which might be had from them or others. It is clear that the amount so estimated as probable monthly income is for the most part speculation, the wish being tfather to the thought."

516 Depositions were taken by the Applicant in Dubuque. It is significant that no evidence was presented in the depositions as to the expected commercial support for the Tele-

graph Herald station. The acceptance and approval by the Broadcast Division of the showing of commercial support in this case that some 60 concerns have "manifested a desire and willingness to advertise over our station" (R. 22) * * * "contingent upon the rate and the type of program we would produce" (R. 81) when rates have not been determined, when half of the concerns are or have advertised over the existing station and when no basis for an estimate of expected operating income has been given, constitute a substantial departure from the accepted standards of proof heretofore required by the Broadcast Division in similar cases.

In contrast to the hearsay and uncorroborated testimony of Applicant's witness concerning the willingness of a few concerns to purchase time on the Telegraph Herald station, there is the positive and uncontradicted evidence that station WKBB has been operating at a loss. The evidence shows (R. 213–215; WKBB Exh. No. 14) and the Examiner so found (p. 12, par. 1) that station WKBB although efficiently managed and using approved equipment, operated at a loss. The deficit accrued since the beginning through 1935 amounts to $4,165.85; for the first 8 months of 1936 the operating deficit was $476.28. The finding in the statement of facts (p. 6, par 2) of an "improved financial condition in the operation of the station" because WKBB's deficits for 1936 were less than for 1935, is poor authority for a conclusion that two stations will receive adequate commercial support. A deficit, regardless of amount, is still a deficit. Heretofore in numerous cases the Broadcast Division has considered the financial experience of broadcasting stations in determining the need for a new station in the same community. For example, In the matter of Eugene DeBogory et al., 2 FCC 336, 339, it was said:

"It was not shown in the hearing that either of the communities of Brownsville, Texas, or Denton, Texas, would support a broadcast station. On the other hand, it was shown that a sta-
517 tion had been financially unsuccessful in Brownsville. It was not shown that there was any promise of commercial support to either of the two stations and no showing was made as to a definite need for a station in either locality. It is not believed that either station would receive sufficient commercial support to enable it to render a service which would be in the interest of the public."

Under all of the circumstances of this case, the inability of station WKBB to operate at a profit is the best, if not the only evidence in the record as to the expected commercial support for radio advertising in Dubuque. In the face of this record, the action of the Broadcast Division in authorizing station WKBB to

improve its station and service at construction costs totalling $15,000 and at the same time to authorize the Telegraph Herald to construct a new station at a cost of $25,000 in a community which does not provide adequate financial support for one station is not only financially unsound and likely to impair the meritorious service now available in Dubuque, but is contrary to accepted principles of sound public utility administration. Approval of two construction permits including total capital outlays of $40,000 for radio facilities requiring $4,000 monthly income to sustain operation in a community which consistently has not provided adequate commercial support for one station appears prima facie as arbitrary and capricious action.

The action of the Broadcast Division, under the circumstances of this case, stands for the proposition that a newspaper operating non-competitively may be permitted to acquire a radio station and operate it at a loss in competition with an independent radio station which is rendering meritorious service but without showing a profit. Without more compelling reasons than are shown in this record, the Commission cannot reasonably find that public interest will be served by empowering the Telegraph Herald to take over the business of station WKBB and impair the livelihood of those connected therewith.

There is attached hereto and incorporated herein an affidavit setting forth certain facts material to the competitive situation and showing the operating deficits incurred by station WKBB since the date of hearing.

10. The statement "the service proposed is undoubtedly
518 needed in the highly developed farming area described" (p. 5, par. 1) is a gratuitous assumption, unsupported by any substantial evidence and in fact contrary to the evidence of record. The evidence shows, and the Examiner found (p. 16, par. 4) that "the applicant has failed to establish a need for additional daytime service in the area proposed to be served; nor does the applicant propose to render any new, novel, or difference service from that already being received in that area." There is no fact contained in the supposed findings which can reasonably justify a disregard of the Examiner's finding and recommendation. The evidence shows and the Examiner found that more than 50% of the persons testifying at the deposition proceeding on behalf of the Telegraph Herald have made use of facilities of station WKBB. Thirteen of the persons giving depositions for the Applicant have appeared from time to time on programs broadcast by station WKBB. Six of the remaining twelve deponents testified that organizations with which they were connected have used this station's facilities. A comparison of the program plans of the Telegraph Herald station with the actual

service record of station WKBB shows that the service proposed by the Telegraph Herald will duplicate the service now available from station WKBB and numerous other stations. The evidence shows and the Examiner found (p. 13, par. 6) that "programs offered the listening public by Station WKBB are of high standard, well balanced, and meritorious." The finding is confirmed in the statement of facts (p. 7, par. 5).

In addition to the service rendered by station WKBB, the Dubuque area receives primary daytime service in the order of ½ millivolt or better from stations WMT, Cedar Rapids, Waterloo, Iowa, WGN and WMAQ, Chicago, Illinois, and WHO, Des Moines, Iowa. Also stations WJJD, WENR, WBBM, Chicago, Illinois, WIBA, Madison, Wisconsin, WIND, Gary, Indiana, and WOI, the Iowa State College Station at Ames, Iowa, all render a signal which provides satisfactory service in the rural areas in the Dubuque community (R. 174, 150, 47; App. Exh. No. 10). The outstanding service rendered by many of these stations of particular interest to rural listeners is a matter of common knowledge, and the statement that the service proposed by the
519 Telegraph Herald is "undoubtedly needed" in rural areas of Dubuque is an assumption unsupported by the evidence and untrue in fact.

Matters Overlooked or Not Considered

11. Applicant, the Telegraph Herald, publishes the only daily newspaper in Dubuque, aside from the noncompetitive Catholic Daily Tribune which is published in Dubuque for national circulation (R. 54, 219). The Telegraph Herald, since it took over its competitor, the Times-Journal in 1927 (R. 55), has dominated the field of news and advertising in Dubuque. Notwithstanding the currently important question of newspaper ownership of radio stations, important evidence adduced by Petitioner at the hearing reflecting upon the qualification of the Telegraph Herald to operate the proposed station in the public interest, is glossed over with the single statement (p. 4, par 1). "The proposed station will be operated separately from the Telegraph Herald, but will have its financial backing; * * *."

The evidence shows, and the Examiner found, that the Telegraph Herald is publishing advertisements of alcoholic liquors in violation of laws of the State of Iowa (pp. 8 & 9).

Applicant's witness (Mr. Arndt) testified (R. 87):

"Q. With reference to the policies to be adopted by the station, if I understood you correctly on your direct testimony, the station will be conducted along the same general lines as the newspaper, is that correct? A. Yes; insofar as they are applicable to the station."

At hearing on September 14, 1936, WKBB introduced seven issues of the Telegraph Herald dated August 9, May 20, 28, 29, 31, June 12, and July 15, each of which contained liquor advertisements. Applicant's witness (Mr. Arndt) volunteered the explanation (R. 94):

"I might state we have since discontinued the liquor advertising."

The date of discontinuance was fixed at six weeks prior to the hearing (R. 95).

Thereupon, issues of the Telegraph Herald, dated September 9 and 10 (one week before the hearing), each of
520 which contained liquor advertisements were presented to the witness. He then qualified his previous testimony with the explanation (R. 96):

"One of those must have slipped in."

When questioned as to the accuracy of the date of discontinuance previously stated, the witness said (R. 97):

"I told you it was recently discontinued but I do not know the exact date."

On the following day (September 15) the witness, under redirect examination, was invited to give a further explanation on the Telegraph Herald's acceptance of liquor advertisements. The witness explained (R. 120):

"My recommendation (to discontinue liquor advertising) was based on the fact that inasmuch as there was some question as to the propriety of this type of advertising from the liquor control commission, we discontinued this type of advertising in view of those circumstances. * * * Well liquor advertising has been discontinued but certain existing and outstanding contracts had to be considered by reason of certain provisions of the advertising contracts.

"Q. If these existing contracts expire will they be renewed?—A. Absolutely they will not be renewed."

What are the facts as of this date?

Actually space sold for liquor advertisements in the Telegraph Herald is believed to have increased since the date of hearing, and advertisements not running at the date of hearing have since appeared in the paper. An affidavit showing the space sold before and since the hearing is attached hereto and incorporated herein. On August 13, 1937, for example, the Telegraph Herald published a quarter-page liquor advertisement of Schenley's Cream of Kentucky Straight Bourbon Whiskey, at 79 cents a pint, $1.50 a quart. A copy of the page containing the advertisement is attached hereto and incorporated herein. The brand advertised on August 3, 1937, is different from any of the brands published in the several issues introduced in evidence. (WKBB Exh. No. 1 & 2.)

Newspaper advertising contracts according to Standard Rate and Data are accepted by the Telegraph Herald for one year and if such contracts were not accepted or renewed since six weeks
521 prior to the date of hearing, the recent advertisement was accepted under a new contract or a renewal, which, it was testified, would not be done.

The Telegraph Herald at the present time is soliciting the acceptance of advertisements of alcoholic beverages. The current July 1937 issue of Standard Rate and Data contains the significant statement of the Telegraph Herald's present policy:

"Advertising of alcoholic beverages accepted."

Under these circumstances, the unequivocal and positive statement by the witness (Mr. Arndt) that liquor advertisements "absolutely will not be renewed" is unreliable and incorrect.

Aside from the factor of unfair competition, it is relatively unimportant whether or not the proposed Telegraph Herald radio station may or may not accept liquor advertisements. The important fact is that Mr. Arndt, the circulation manager, is either not competent to testify what the policies of the Telegraph Herald are or his testimony at the time it was given was incorrect. It may be concluded from the above facts that the Telegraph Herald thinks more of the revenues which it derives from advertisements of alcoholic liquors than it does of keeping its promissory representations given under oath by one of its officers to the Commission. If the manner in which the Applicant disregards the laws of the State of Iowa in the publication of liquor advertisements is any criterion of the manner in which the Applicant may be expected to comply with the Communications Act of 1934 and the regulations of the Commission, it is submitted that the Applicant has not established its qualifications to operate the proposed station in the public interest.

12. The evidence shows and the Examiner so found, that the Telegraph Herald has consistently refused to publish radio programs of station WKBB. The Telegraph Herald did not carry any story on the opening of station WKBB in 1933 (R. 88), but freely admitted that if the Telegraph Herald station is authorized to operate that will be news which the paper will publish. The Telegraph Herald while refusing to publish radio programs of station WKBB has published daily without charge programs of out-of-town stations (R. 219):

"Q. Is it correct that the Telegraph Herald is the only daily nonsectarian newspaper in Dubuque?—A. Yes.

522 Q. Does that newspaper publish the program listings of your station?—A. No; they have never published any program listings of our station.

Q. How do you publicize your program listings?—A. Well, we have had to resort to various methods. We have a local labor

paper in Dubuque, that is a weekly of small circulation, and they publish our programs. The Catholic Daily Tribune publishes some of our programs, but that is a national sectarian paper and has a very small circulation in our territory of Dubuque and Dubuque County."

In April 1936 at the time WKBB became affiliated with the Affiliated Broadcasting Company, the Telegraph Herald was requested to publish the radio program (R. 219–293):

"By the EXAMINER:

Q. Did a copy of that letter go to Mr. Woodward?—A. A copy of the letter was sent to Mr. Woodward.

Q. Did you ever get a reply from him?—A. I never had any reply.

Q. Have your local programs ever appeared in the Telegraph Herald?—A. They have not.

Q. Columns?—A. They have not since my time there.

Q. I am talking about since you have been there.—A. Never.

Q. Have you ever submitted any of them?—A. The local programs? No.

Q. Why didn't you?—A. Because I had understood the attitude of the Telegraph Herald, and when I attempted to get even chain programs published I thought there would be no use sending local programs if they would not publish the chain programs.

Q. Aren't there other chain programs published in the paper?—A. The National and Columbia are published in the paper."

The refusal of the Telegraph Herald to publish the radio programs of station WKBB has impaired the effectiveness of its public service. Station WKBB has been compelled to publish leaflets and hand-outs in order to notify the public of its sustaining public-service programs (R. 219):

"Q. Do you ever resort to leaflets for publicizing your programs?—A. We do not, but some of the public-welfare
523 and human-welfare organizations, such as the Community Chest and the Visiting Nurses Association, and some of the charities, sometimes use that method of publicizing their programs, in addition to occasionally buying space in the Telegraph Herald—that is, speaking of the organizations, but we have never bought any space in the Telegraph Herald ourselves."

The refusal of the Telegraph Herald to cooperate with station WKBB in publishing even its sustaining programs of community interest, when associated with its noncompetitive position above referred to, supports a conclusion that the station requested by the Telegraph Herald will be operated primarily for its own interests.

13. On July 24, prior to the effective date, Petitioner filed a Petition to Extend the Effective Date in order to allow sufficient

time after the release of the Statement of Facts and Grounds for Decision within which to petition for rehearing and obtain consideration thereof before expiration of the appeal period. No action has been taken upon this Petition.

14. On July 29, 1937, Petitioner filed a Notice and Demand with the Broadcast Division for the production of certain reports believed to have been presented to and considered by the Broadcast Division in making the decision granting the application of the Telegraph Herald. To date no response to this Notice and Demand has been received.

Wherefore, the Petitioner prays:

1. That the Commission, en banc, at its earliest convenience and prior to consideration of this petition upon its merits, extend the effective date of said decision and order of the Broadcast Division. Petitioner is uncertain whether or not the time within which an appeal may be taken from said decision expires on August 16, 1937 (20 days after the effective date), and unless the effective date is extended there will be insufficient time to consider this petition on its merits.

2. That the Commission issue a rule requiring the Broadcast Division to produce and make available to Petitioner any or all of the several reports heretofore described in said Notice and Demand filed July 29, 1937.

524 3. That issuance of the construction permit to the Telegraph Herald be withheld until such time as this Petition is finally acted upon, or if such permit has been issued, that the same be recalled.

4. That the Commission grant this Petition for Rehearing, as herein requested.

5. That the Commission grant the Petitioner such other and additional relief as may seem proper under the circumstances.

SANDERS BROTHERS RADIO STATION,
(STATION WKBB)

By (Sgd.) LOUIS G. CALDWELL,
Louis G. Caldwell,
(Sgd.) REED T. ROLLO,
Reed T. Rollo,
(Sgd.) DONALD C. BEELAR,
Donald C. Beelar.

Verification

STATE OF IOWA,
County of Dubuque, ss:

Walter E. Klauer, being first duly sworn on oath, deposes and says that he is the President of Sanders Brothers Radio Station, that he has read the foregoing Petition for Rehearing, and that

the facts stated therein are true and correct of his own knowledge except to such matters as are stated upon information and belief, and as to these matters he believes them to be true.

WALTER E. KLAUER.

Subscribed and sworn to before me this 9th day of August, 1937.

Notary Public.

My Commission Expires July 4, 1939.

Affidavit of Service

CITY OF WASHINGTON,
District of Columbia, ss:.

Beatrice J. Hegg, having been first duly sworn on oath, deposes and says that she has this day sent by registered
525 mail a copy of the foregoing Petition for Rehearing to Eliot C. Lovett, of the Telegraph Herald, 729 15th St., NW., Washington, D. C.; Horace L. Lohnes & E. D. Johnston, of Station WSPD, Munsey Building, Washington, D. C.; and George B. Porter, Federal Communications Commission.

(sgd.) BEATRICE J. HEGG,
Beatrice J. Hegg.

Subscribed and sworn to before me this 10th day of August 1937.

(sgd.) MIRIAM KOONTZ,
Miriam Koontz,
Notary Public, D. C.

My Commission Expires January 3, 1941.

Affidavit

STATE OF IOWA,
County of Dubuque, ss:

Walter E. Klauer, being first duly sworn, deposes and says that he is President of Sanders Brothers Radio Station, a corporation, licensee of Station WKBB. The business of the corporation is exclusively that of operating Station WKBB, which has rendered radio broadcast service to East Dubuque, Illinois, and Dubuque, Iowa, and surrounding area continuously since December 1, 1932. The corporation has outstanding $25,000.00 of its total authorized capital stock amounting to $40,000.00. The stockholders are Walter E. Klauer, 247 shares; W. H. Klauer, affiant's father, 1 share; James D. Carpenter, 1 share; and E. A. Deutmeyer, 1 share. The corporation employs 10 persons at an average monthly payroll of $1,350.00.

During the year 1934 Station WKBB sustained a deficit of $1,847.91. During 1935 the Station sustained a deficit of $2,317.94. During 1936 the Station sustained a deficit of $1,194.41. Total deficit for the years 1934, 1935, and 1936 was $5,360.26, as evidenced on respective Federal Income Tax returns. During the first seven months of 1937 Station WKBB has incurred a deficit of $1,243.32, not including any allowance for depreciation. If a reasonable allowance for depreciation is included, the deficit for the first seven months of 1937 as $4,043.32.

526 At no time since the corporation began operating the Station at East Dubuque, Illinois, have any dividends been declared. From January 1, 1934, to April 1, 1936, the affiant, as president of the corporation, devoted approximately 75% of his time to the management and operation of Station WKBB. Since April 1, 1936, affiant has devoted approximately one-half of his time to the Station. At no time has affiant taken any money out of the corporation in the way of a salary for the time devoted to the management of the Station.

Since the date of the hearing Station WKBB has rendered radio advertising service over the station to *66* local accounts. These accounts have provided revenue during the eleven-month period totalling $28,668.07, or an average gross income of $2,606.19 per month. A careful check of the time of day during which the several commercial programs were broadcast over Station WKBB reveals that 70% of its gross income is derived from daytime operation. Although Station WKBB renders a full-time service to this community, the proposed Telegraph Herald station, which will operate only daytime hours, will compete with WKBB during the most lucrative hours of operation.

Of the 60-odd concerns which the Telegraph Herald is relying upon for commercial support (T-H Ex. No 6), *39* of these concerns are or have been clients of Station WKBB. During the year 1934 Station WKBB derived $7,003.31 gross income from 27 of the aforesaid 60-odd concerns. During 1935 Station WKBB derived $10,039.62 gross income from 21 of the aforesaid 60-odd concerns. During 1936 Station WKBB derived $7,205.32 gross income from 19 of the aforesaid 60-odd concerns. During the first seven months of 1937 Station WKBB derived $5,219.87 gross income from 14 of the aforesaid 60-odd concerns.

Since the date of the hearing Station WKBB has derived $7,151.67 gross income from 16 of the aforesaid 60-odd concerns. Prior to the hearing these concerns spent a total of $22,316.45 in the purchase of time and programs over Station WKBB, or an average monthly income both before and since the hearing amounting to approximately $700.00.

The capital stock of the corporation held by affiant represents an investment of approximately $25,000.00 paid in
527 cash by him to the former owners during 1933 and 1934.

Since the location of Station WKBB at East Dubuque and the beginning of operation there, the corporation has expended an additional total of approximately $16,163.89 for improvements and purchase of equipment and supplies, and a total of approximately $37,368.58 to defray payroll expenses of persons connected with the station. Since January 1, 1934, and especially during the first year of operation at East Dubuque, the affiant has at various times personally advanced money to the corporation for the purpose of defraying payroll expenses, and has personally absorbed travel and other expenses in connection with the operation and management of the Station. The total of these advances is well in excess of $5,000.00. At no time has the cash position of the corporation permitted him to withdraw the moneys advanced.

If Station WKBB is deprived of the income derived from the several concerns upon which the Telegraph Herald relies for commercial support, the average monthly operating deficit of Station WKBB will be increased by approximately 300% per month. If the available and prospective daytime accounts are required to be divided between Station WKBB and the proposed Telegraph Herald station, neither station can be operated at a profit and it is estimated that Station WKBB will be required to operate at a monthly deficit of approximately $1,200.00. If these conditions prevail, it will no longer be possible or profitable for Station WKBB to continue operation.

WALTER E. KLAUER.

Subscribed and sworn to before me this 9th day of August 1937.

[SEAL] C. P. McDONALD,
Notary Public.

My commission expires July 4th, 1939.

Affidavit

STATE OF IOWA,
County of Dubuque, ss:

Walter E. Klauer, being first duly sworn, deposes and says that he is President of Sanders Brothers Radio Station, a corporation, licensee of Station WKBB.

528 During the twelve months prior to September 16, 1936, there appeared in the Dubuque Telegraph Herald, a newspaper published at Dubuque, Iowa, numerous advertisements of alcoholic liquors.

The total space devoted to liquor advertising during this twelve-month period was approximately 1,320 column inches, or 18,480 lines.

Since September 16, 1936, the amount of space devoted to the advertising of alcoholic liquors has increased by more than 200%. A careful check of the advertising columns of the Telegraph Herald during the eleven months from September 16, 1936, to August 6, 1937, inclusive, reveals that the amount of space devoted to the advertising of alcoholic liquors in the Telegraph Herald during this period has been in excess of 4,200 column inches, or in excess of 58,800 lines.

Since September 16, 1936, the Telegraph Herald has published the advertisements of 14 brands of alcoholic liquors, representing the products of 7 manufacturers or distributors, which did not appear in its advertising columns during the twelve months prior to September 16, 1936.

WALTER E. KLAUER.

Subscribed and sworn to before me this 9th day of August 1937.

[SEAL] C. P. McDONALD,
Notary Public.

My commission expires July 4th, 1939.

531 [Endorsed:] Received Federal Communications Commission. Mail and Files Section. 1937 Aug. 30, A. M. 8:30.

[Endorsed:] Federal Communications Commission. Aug. 28, 1937. Office of Secretary.

[Endorsed:] Received Aug. 30, 1937. Docket Section.

Federal Communications Commission, Washington, D. C.

Docket No. 3967

In re Application of: Telegraph Herald (KDTH), Dubuque, Iowa. For Construction.

Opposition to petition of station WKBB for rehearing

The Telegraph Herald, permittee of Station KDTH, authorized to operate daytime only in Dubuque, Iowa, with 500 watts power on 1350 kilocycles, opposes the petition filed by Sanders Brothers Radio Station, licensee of Radio Station WKBB, for a rehearing upon the above-entitled application, and states:

A. As to Matters alleged to have been erroneously set forth in the Statement of Facts

The most significant statements made by petitioner under this heading, and those upon which its original petition to intervene

July, 1937, Both 'Wet' and 'Cool' Compared to 1936

HERE'S ANOTHER PICTURE-QUERY

And Yesterday's Cave Has Interesting History

HOW WELL DO YOU KNOW YOUR DUBUQUE?

BUT 'TWAS DRY AND HOT AT TIAT

Mean Temperatures Above Normal, Rain Below

PLAN TO REDUCE BANKS OUTLINED

FDIC Would Weed Out 2,800 Unprofitable Ones

Looking Backward

Past Events in City And the Nation

NON-SWIMMERS CAN SAVE LIVES

Tips on Rescuing Drowning Persons From Water

24TH SUMMER SESSION ENDS

18 Receive BA Degrees at Columbia Exercises

Future of Iowa REA Program Will Be Set

Record of Murderer Studied By Kraschel

Six Persons Burned To Death in Cabin

Tall Corn Blamed For 2 Auto Crashes

Clinton Man Dead Due to Crash Hurts

Emile Dionne Mildly Ill Due to the Heat

Grinnell Boy Held In Death of Girl

Styled At Our

The famous "Double-Rich" Kentucky straight Bourbon!

If you read between lines, you'll know here is a treat you will not want to miss!

SCHENLEY'S

U. S. GOVERNMENT PRINTING OFFICE 1938

Have you Eyes that can read between lines?

The famous "Double-Rich" Kentucky straight Bourbon!

If you read between lines, you'll know here is a treat you will not want to miss!

SCHENLEY'S Cream of Kentucky

PINT 79c QUART $1.50

KENTUCKY STRAIGHT BOURBON WHISKEY

Only at LANDON'S in Dubuque

THE Heart o' the Pelt LABEL

ASSURES YOU OF QUALITY

The Waves Say . . .

Styled At Our Permanent Wave Sale

10% to 25% off—Limited Time Only!

$7.50 Zambo Machineless Wave	NOW $4.95
$9.00 Vita Locks Permanent Wave	NOW $6.75
$5.00 French Steam Oil Permanent	NOW $3.50

Roshek's Beauty Salon

The lone person stand atop the game hill with only a lonely home used to perch on the end does Can you set among it us? For further details, and the answer to yesterday's picture-question, see the sports-loving sports.

Future of Iowa REA Progress Will Be Set

Summer Last Year's

Tall Corn Blamed For 2 Auto Crashes

Chicken Man Dead Due to Crush Hurts

Record of Murderer Studied By Kruschel

Six Persons Burned To Death in Cabin

Emily Dieman Mildly Ill Due to the Heat

Colesmill Boy Held In Death of Girl

24TH SUMMER SESSION ENDS

18 Receive BA Degrees at Columbia Exercises

Extradition Request For Golfer Studied

in these proceedings was based and granted, concern the economic effect which the proposed Telegraph Herald station (KDTH) would have upon the operation of WKBB. The petitioner not only reiterates the testimony given by its president, W. E. Klauer, that Station WKBB had been operating at a loss, but it seeks to inject into the record an affidavit of the said Klauer attached to the petition and containing an elaboration upon and a continuation of the previous attempt to show that Station WKBB has been and is now operating at a loss.

An examination of the said affidavit is supposed to show that WKBB sustained a deficit of $1,847.91 for the year 1934, a deficit of $2,317.94 for the year 1935, $1,194.41 for 1936, and
532 $1,243.32 for the first seven months of 1937. The affidavit contains the statement that the "Total deficit for the years 1934, 1935, and 1936 was $5,360.26, as evidenced on respective Federal Income Tax returns."

These emphasized assertions of petitioner as to its losses in operating Station WKBB, especially when considered in connection with the anxiety of the petitioner to spend approximately $15,000 on construction work, warrant, if they do not actually require, an examination of the representations made by the petitioner in its various applications to the Commission for renewal of its broadcasting license.

On April 30, 1934, the said W. E. Klauer, as President of the petitioner, swore to an application, which was later filed with the Commission, for the renewal of the WKBB broadcasting license and, in answer to the question as to the average amount of money spent during the preceding six months for talent he answered "$500," and, "for other purposes $1,500," making a total average monthly expenditure of $2,000. To the question immediately following as to the average gross income of the station per month for the preceding six-month period the answer was $3,000. The simplest arithmetical computation discloses that the station must have enjoyed a monthly operating profit of $1,000.

The renewal application sworn to by Klauer as President on October 26, 1934, showed increasingly successful operation. The expenses continued as before—$500 for talent, and $1,500 for other purposes, or a total of $2,000, but the average monthly gross income was $3,500, resulting in an average operating profit of $1,500 for each of the preceding six months.

The next renewal application was sworn to by Klauer as President on April 30, 1935, and showed $300 for talent and $1,200 for other purposes, making a total monthly expenditure of $1,500. The reported income was $2,500, so that there was an average monthly operating profit of $1,000 for the preceding six-month period.

On October 12, 1935, the said Klauer, as President, swore to another application for renewal of license. This time he also stated that $300 were spent for talent, but reported an increase to $1,500 for other purposes, or a total of $1,800. The
533 average monthly gross income was still reported as $2,500. The average monthly operating profit for the six-month period was therefore $700.

On April 18, 1936, Klauer, as President of the petitioner, again swore to a renewal application. The expenditures for talent and other purposes, and the average monthly gross income, were reported to be the same as in the next preceding application, namely, a total of $1,800 spent as compared with $2,500 income, making an operating profit of $700 per month for the six months immediately preceding.

On October 28, 1936, J. D. Carpenter, as General Manager and Treasurer of the petitioner, swore to the application for renewal of license. Talent was still shown to cost $300 per month, but the expenditures for other purposes were increased to $1,800, making a total of $2,100. However, the average gross income per month was shown to have increased to $2,800, so that the average monthly operating profit for the six months immediately preceding was still $700.

On April 28, 1937, the said W. E. Klauer, as President of the petitioner, swore to a renewal application and reported that the talent costs had increased to $400 and the expenditures for other purposes to $2,200, or a total of $2,600. The average gross income per month was reported as having increased to only $2,900, making an operating profit of $300 per month for this six-month period.

The following analysis of the foregoing reports of income and expenditures as contained in the sworn applications upon which the Commission relied when it granted the regular renewals of the WKBB license is very illuminating, especially when compared with the recent affidavit of the said Klauer in support of the instant petition for rehearing wherein yearly deficits are set forth "as evidenced on respective Federal Income Tax returns."

WKBB Average Operating Profits Shown by Sworn Renewal Applications

	1934	1935	1936
January through March	$3,000	$3,000	$2,[illegible]
April through September	5,000	4,200	1,20[illegible]
October through December	3,000	2,100	[illegible]
Average Total Profits	11,000	9,300	7,20[illegible]

534 WKBB Deficits Shown by Present Klauer Affidavit and "Evidenced on Respective Federal Income Tax Returns"

	1934	1935	1936
Total Deficits	$1,847.91	$2,317.94	$1,194.41

The Klauer affidavit of August 9, 1937, also alleges a deficit of $1,243.32 for the first seven months of 1937, and states that, if depreciation were included, the deficit would be $4,043.32. This amounts to an average monthly operating deficit of $177.61, and an actual deficit (including depreciation) of $577.61. In the last renewal application, on the other hand, Klauer swore that for the first three months in 1937 there was an average monthly expenditure of $400 for talent and $2,200 for other purposes, or a total of $2,600, and an average gross income of $2,900, which would leave an average monthly operating profit of $300.

It is impossible to determine whether or not the expenditures "for other purposes" listed in the various renewal applications take into consideration any depreciation. They no doubt should, and it would appear that they do if a previous affidavit made by Klauer on April 15, 1935, may be given credence. That affidavit was filed with the application dated December 18, 1934, for the consent of the Commission to the transfer of the control of the petitioner corporation from R. W. Hoffman to Walter E. Klauer, and accompanied a balance sheet as of December 31, 1934, and a profit and loss statement covering the months of October, November, and December 1934. The latter statement shows an "operating profit" of $126.35, which is the result of subtracting from "sales" of $5,263.90 the expenditures totaling $5,137.55 for labor, power and light, telephone, "other expense," rent, depreciation ($1,547.10), and bad debts. The depreciation was obviously at a monthly rate of $515.70, and if this had not been deducted to determine the "operating profit" the latter would have been $1,673.45, or an average profit of $557.81 per month. Even this does not compare very favorably with the average monthly operating profit of $1,000 indicated by the renewal application including this same three-month period and dated April 30, 1935. Nor does the average monthly "operating profit" of $42.11 ($126.35 for the three-month period) after deducting depreciation, compare very favorably with the average monthly deficit of $153.99 indicated by Klauer's recent affidavit as having been reported for income-tax purposes and, apparently, taking depreciation into account.

535

The petitioner, in spite of the recorded, and quite proper, tendency of its president to consider depreciation when deter-

mining operating profit, should now claim that the difference between the figures appearing in the sworn renewal applications and those in the "respective Federal Income Tax returns" is occasioned by the failure to deduct depreciation from the former, there nevertheless remain obvious and inexplicable discrepancies. For example, the average monthly profits for 1934, as shown by the renewal applications, indicate a profit of $15,000 for the year, whereas the now alleged deficit was $1,847.91. In order to harmonize these figures it would be necessary to deduct depreciation of $16,847.91 in 1934. Similarly, it would be necessary to deduct depreciation of $11,617.94 in 1935, and $8,394.41 in 1936. Such deductions would be entirely unwarranted by the value of the fixed assets. The balance sheet attached to Klauer's said affidavit of April 15, 1935, in connection with the application for transfer of control of WKBB lists the fixed assets at $22,356.96. The affidavit of R. W. Hoffman dated April 27, 1935, and attached to the same application gives $15,062.50 as the depreciated value of the equipment. At the hearing the fixed assets were represented (WKBB Exhibit #13) as having a depreciated value of $15,900.64 on August 31, 1936. The last renewal application (dated April 28, 1937) includes a balance sheet as of April 1, 1937, which lists the fixed assets, as depreciated, at $14,622.68. It will be remembered, as shown by the foregoing references to the recorded statements of the petitioner, that the highest monthly depreciation charge was $515.70, as indicated on the profit-and-loss statement for the last three months of 1934, which would make the then annual rate $6,188.40. The more recent depreciation rate was $400 per month, as shown by the Klauer affidavit of August 9, 1937, covering the first seven months of 1937, or an annual depreciation rate of $4,800. Under these circumstances there is no room whatsoever to argue that $16,847.91, or $8,394.41, or any approximation thereof, could be properly used as
536 an annual deduction for depreciation to help to establish any of the now vaunted deficits of the petitioner.

In view of the many inconsistent statements made upon behalf of the petitioner, it is difficult, if not impossible, to know exactly what to believe.

Walter E. Klauer, as President of Station WKBB, testified (Record, pp. 234, 241-243) at the hearing, in an obvious effort to cast reflection upon Mr. Woodward, President of the Telegraph Herald, that in January 1934, one month after he became affiliated with WKBB, he was suddenly dropped from the committees of the Dubuque Chamber of Commerce, and that Mr. Woodward was President at that time; that he (Klauer) acted upon the Chamber of Commerce committees up to 1934 and then was dropped from all committees for that year; that Mr. Woodward was

President of the Chamber of Commerce for two years, his term expiring in 1935; and that when his (Woodward's) successor was appointed, Klauer was again given committee assignments. At the oral argument, Mr. Reed T. Rollo, attorney for Station WKBB, agreed, in his usual gentlemanly manner, to stipulate any facts which would be necessary to correct the foregoing statements. Accordingly, a stipulation was signed by the parties and filed with the Commission on March 2, 1937, to the effect that Mr. Woodward was President of the Chamber of Commerce for two years, his term expiring in February 1934; that Klauer served on the Air Service Committee during that entire period, his assignment expiring in February 1934, at the same time that Mr. Woodward's term as President expired; and that during the first year of the succeeding administration, Klauer received no committee assignment.

Admittedly, the incorrect statements made by Klauer regarding his committee assignments were of minor importance, but when viewed in connection with the misstatements made as to the operating success of the station it would seem that he considers almost anything justifiable as long as it may result in defeating the plans of the Telegraph Herald to establish a radio station in that area. However, the statements made on the renewal applications, and those said to have been made on the income-tax returns, seem worthy of special consideration.

537 According to Klauer, the station showed a deficit on its income-tax returns and, therefore, it must be assumed, was liable for no income tax. In its applications for renewal of licenses it showed a consistent operating profit, and, according to Klauer's apparent definition of "operating profit," the determination thereof took into consideration depreciation.[3] But even though depreciation were not considered, it is quite apparent that for the calendar years 1934, 1935, and 1936 the station made a profit. That is, of course, if the sworn applications for renewal of license may be considered correct. It is probably reasonable to assume that either the profits reported to the Commission or the deficits reported to the Internal Revenue Bureau must be right. By the same token one of these reports must be wrong. Of course, if the erroneous statements were made in the income-tax returns, that is a matter to be taken up by the Treasury Department, although, if it be established that such erroneous statements were made, it is something that might well be considered by the Communications Commission in determining the present qualifications

[3] Klauer's interpretation of the deficit is significant. He stated (R. 252), in answer to a comment of the Examiner that there was a deficit of $4,165.85 at the close of business in December, 1935, that this was a "surplus deficit." The Examiner then remarked, "I assume that is made up from surplus?" Klauer replied, "It is made up of losses, the station has not shown a profit to date."

of the petitioner to continue in operation. Certainly if the false statements are found to have been made in the applications to the Commission, which applications have been the basis for successive renewal licenses issued to the petitioner, it immediately becomes a matter of grave concern for the Commission itself.

In view of these developments there should certainly be no credence given to any statements of Walter E. Klauer, and particularly those made in his affidavit of August 9, 1937, attached to the petition for rehearing.

The petition for rehearing states (pp. 4–5) that the proposed Telegraph Herald Station will render a signal in the order of 0.5 millivolts per meter over a radius of approximately 35 miles, whereas Station WKBB, at its new location, will render a daytime signal in the order of 0.5 mv/m in a radius of approximately 32½ miles. The estimated coverage for WKBB was given by the WKBB engineer, whereas that stated in the petition with
538 reference to the proposed Telegraph Herald station was given by the latter's engineer. However, the WKBB engineer testified that in his estimates he used a higher conductivity value, and he believed that the proposed Telegraph Herald station would render a signal of 0.5 mv/m for a radius of 39 miles (R. 163–165). Furthermore, the engineering testimony showed that 0.25 mv/m would furnish fair service in the rural area and that such a signal would be rendered by the proposed Telegraph Herald station for a radius of 48 miles and include a population of 292,000. (R. 139–140; Telegraph Herald Exhibit #8.) This would include all of Dubuque, Jackson, and Delaware Counties in Iowa, Grant County in Wisconsin, Jo Daviess County in Illinois, and a large part of Clayton County in Iowa. There would also be included LaFayette County, Wisconsin, and a large part of Jones County in Iowa, but only the aforesaid six counties are generally considered in the Dubuque trade area (R. 8–9).

According to the 1930 census, the City of Dubuque has a population of 41,679, while the County has 61,214. Approximately 32% of the County population is rural. The other counties in the Dubuque trade area are predominantly rural. (R. 9–11.) This area produces approximately a $35,000,000 retail market and a $64,000,000 wholesale market, of which $12,000,000 is retail within the city of Dubuque and $20,000,000 wholesale. There are 231 active advertisers in the City of Dubuque, 65 of which expressed to the representative of the Telegraph Herald a desire to advertise over the proposed station. Of this number, 32 had never advertised over the radio and the remainder were not then advertising. (R. 22.) The witness for Station WKBB testified that 33 of the 65 had advertised over that station at

one time or another, and that 18 had advertised during 1936. Of the 18, three of them were then broadcasting, four had discontinued for the summer, and one was about to start. The other ten had definitely discontinued. Seven of the ten had taken spot announcements, and only three had sponsored programs (R. 286–288).

The petitioner strenuously objects to the finding of the Commission that the services proposed by the Telegraph Herald "is undoubtedly needed in the highly developed farming area described," and insists that the program plans of the Telegraph Herald show that the proposed service will duplicate that now available from Station WKBB. In view of the fact that the majority of the proposed service area is rural, it will suffice to compare the service rendered by WKBB in that regard with that proposed by the Telegraph Herald.

539

Agricultural Agent Huehn, of Delaware County, testified that he had broadcast over WKBB but that he had discontinued his program because "the broadcasts from WKBB were not heard by my farmers and there seemed to be a very poor tie-up regarding farm programs." (Depositions, p. 3.)

Agricultural Agent Walker, of Grant County, testified (Dep., pp. 57–59) that he was on a committee representing the County Agents in an effort to secure satisfactory broadcasting arrangements; that they "preferred some time between twelve and one o'clock, or, as a second preference, somewhere between six and eight o'clock in the evening"; that the only time that was ever offered to the agents was "between five and six o'clock in the evening," which is "a bad hour * * * for farm people"; and that "to the best of my knowledge we were never able to get the station interested in a noon hour."

Agricultural Agent Brunnemeyer, of Jo Daviess County, who had broadcast several times over Station WKBB, testified (Dep. 269–270) that—

"* * * when that schedule ran out it stopped right there. Why, I don't know; we never heard any more from them. We never failed to appear on that program. We were always on time; never once failed to meet our part of it."

In answer to a question as to WKBB being willing to cooperate, he replied (Dep. 270):

"When we worked with the first group that was in there they were very good, and it seemed like about half way through there was a change made, and, well, several times I know we had to wait for * * * we were pushed later on into the program. They had something else on and *we were told to wait until they could find a place in there for us.* Well, I think that some of our

boys felt like *other things were of a good deal more importance than the farm 15 minutes.*" [Italics supplied.]

540 He testified that he had this experience about five or six months previously. He further testified that he had broadcast once a month for a period of six or seven months but that he was "shifted around" and that there was no regularity of broadcast. (Dep. 272.)

This lack of cooperation on the part of WKBB with the county agricultural agents outside of Dubuque will apparently continue. Upon cross-examination by Commission counsel, Walter E. Klauer testified (R. 237):

"Q. What would be your plan so far as agricultural interests are concerned if you move; that is, will they be enlarged or be the same as you are now carrying?—A. *They will be similar to what we are carrying now.*" [Italics supplied.]

The tentative program schedule for one week offered in evidence by the Telegraph Herald (Exhibit #4) shows that a farm program is scheduled for each week-day noon between 12:30 and 1:00 o'clock, one day being assigned to each of the aforesaid six counties which will receive service from the proposed station. This was a result of actual contacts with the various agents, and several of them, including Agent Huehn (Dep. 8), Agent Walker (Dep. 57), Agent Combs (Clayton County, Dep. 2-6), and Agent Brunnemeyer (Dep. 271) stated specifically that some time between 12:00 and 1:00 or 12:30 and 1:00 would be most acceptable to the farmers.

It is also illuminating to consider the general type of programs broadcast by WKBB. There were introduced in evidence by the Telegraph Herald two exhibits (Nos. 11 and 12) showing the type of program broadcast by WKBB on September 2d and 6th, 1936. These were stated by the Telegraph Herald witness to be typical WKBB programs (R. 25-26), and no evidence to the contrary was offered. On September 2d, in the words of the Examiner, "18% of the time was utilized by local talent, 30% by transcriptions, and 52% by ABC (Affiliated Broadcasting Company) network. The local talent item was further broken down into figures, which show that 115 minutes were used by studio announcers, 15 minutes by local artists, and 40 minutes by a sponsored orchestra." On September 6th, according to the Examiner,

"78 minutes of the time of the station were used by local
541 talent, 192 minutes for transcriptions, and 570 for ABC network, or for local talent 9%, transcriptions 23%, and ABC network 68%."

The witness for Station WKBB testified that the ABC network programs were being carried at a cost of $325 per month. (R. 233.) This is significant in view of the fact that the sta-

tion was using so little local talent as compared with the amount of network programs. This might indicate one of two things: the station either was unable to secure the cooperation of local talent to any great degree, or it did not care to bother with the production of local-talent programs. The record would seem to indicate that both reasons contributed to the condition.

The Telegraph Herald's aforementioned proposed program schedule for one week lists a large number of local programs, and it was shown that definite arrangements had been made with the necessary talent to produce the programs. It also appeared that there is a large amount of other talent ready to broadcast over the Telegraph Herald station (Ex. 5, R. 33–36). This is in marked contrast with the showing that less than 20% of the time on WKBB is utilized by local talent. The reason for this condition may be found in the deposition of Msgr. Wolfe who has jurisdiction over Catholic schools for a radius of about 200 miles, including Columbia and Clark colleges in Dubuque. He stated that he had been offered the facilities of WKBB, "insofar as they were able to give us service," but that when he wanted a remote line to the colleges on a special occasion, offering to pay for the line, WKBB indicated that "they weren't looking so much for cultural programs as for the commercial type of broadcasting program." (Dep. 148.)

The Telegraph Herald has made definite arrangements for regular programs under the heading "Columbia College of the Air" and "Clark College of the Air." The University of Dubuque has also agreed to provide an educational series over the proposed Telegraph Herald station, for which arrangements have been made to install a remote line. The President of the University testified that he could not make use of the facilities of WKBB because it was impractical without a remote line, which the University could not afford, but that "the Telegraph
542 Herald has offered to provide that line for us, which is a great consideration, and makes their station really accessible to us, and they have offered to give us all the time we want after the line is installed, for musical and educational purposes." (Dep. 126, 127.)

The Dubuque Academy of Music has never broadcast over WKBB but will have a regular program over the Telegraph Herald station. (Dep. 175–176, 185.) The Immaculate Conception Academy has never been offered a period over WKBB, but plans to take advantage of the Telegraph Herald's offer of a regular period. (Dep. 162–163.)

The county school superintendents in the aforesaid six counties which will be served in whole or in part by the Telegraph

Herald station have each arranged to take one program every week, and a definite period, namely, three o'clock in the afternoon, has been set aside for these programs. The Grant County School Superintendent, Mr. Frank E. Ralph, stated that he had never been offered the facilities of WKBB and he did not know that they were available. (Dep. 72–73.)

Even the foregoing brief references to the record show that there is substantial evidence to support the Commission's finding that "the service proposed is undoubtedly needed in the highly developed farming area described." And they also show that petitioner's statement (p. 9, par. 10)—"A comparison of the program plans of the Telegraph Herald station with the actual record of station WKBB shows that the service proposed by the Telegraph Herald will duplicate the service now available from station WKBB and numerous other stations"—is indeed, to use petitioner's phraseology, "a gratuitous assumption, unsupported by any substantial evidence, and in fact contrary to the evidence of record." To illustrate, the following programs, for which arrangements have already been made by the Telegraph Herald and to some of which reference has already been made, are among many listed (R. 28–33) on the proposed program schedule which are departures from any broadcast by WKBB and, because of their strictly local nature, could not possibly be expected from any distant station: farm programs from six counties in rotation, one each week-day, and at a regular period most acceptable to the farmers; a similar arrangement for county school
543 programs each week-day; a daily local market review, which is not now available from any source (R. 116, 123); corn husking contests, fairs, draft-horse shows, and other matters of interest to the farmers, to be broadcast by the aid of short-wave equipment (the cost of which is included in the Telegraph Herald construction estimate) when telephone lines are not available and the Commission grants the requisite authority (R. 121); Columbia College of the Air; Clark College of the Air; regular programs from the Immaculate Conception Academy; University of Dubuque educational series; regular programs under the auspices of the Schroeder Conservatory of Music (Dep. 188–189); regular programs under the auspices of the Dubuque Academy of Music (Dep. 175–176, 185); and three regular weather forecasts each day by remote line direct from the Dubuque Weather Bureau office in order to facilitate announcements, guarantee their accuracy and authenticity, and provide for immediate emergency weather broadcasts (R. 28, Dep. 228–231), all of which was stated by the U. S. meteorologist to provide a desirable improvement over the usual method of broadcasting weather forecasts (Dep. 235).

The petition for rehearing also seeks to show that adequate radio service is now available in the Dubuque area. However, the field intensity measurements taken by the Telegraph Herald radio engineers indicate (Exhibit #10; R. 142–143, also 139–140) that WKBB is the only station rendering satisfactory service to the business section of Dubuque, and that WKBB and WMT (Cedar Rapids) are alone in serving the metropolitan area; that WGN, WBBM, and WENR (all Chicago), WHO (Des Moines), and WSUI (Iowa City) are satisfactorily heard in certain parts of the rural area 20 miles from Dubuque; and that stations WOI (Ames) and WTMJ (Milwaukee) are satisfactorily heard in certain parts of the rural area 40 miles from Dubuque, but that WMT and WMAQ are the only stations which provide a signal of 0.5 mv/m or greater within the entire area which the Telegraph Herald station will serve. However, these are chain stations which obviously carry programs not particularly designed to interest, or meet the requirements of, persons in the proposed Telegraph Herald service area.

544 B. As to matters alleged to have been overlooked or not considered

Under this heading the petitioner presumably purports to set forth matters which, if they had been considered by the Commission, would have resulted in a different decision.

The first fact noted is that the Telegraph Herald "publishes the only daily newspaper in Dubuque, aside from the noncompetitive Catholic Daily Tribune which is published in Dubuque for national circulation." The facts are that the Telegraph Herald, which was established in 1836 (R. 7), is a daily newspaper with a circulation of over 31,000, more than 50% of which is outside of Dubuque County (R. 9). There is also published in Dubuque the said Catholic Daily Tribune which is a national newspaper with a circulation of 18,000 or 20,000, the bulk of which is in the local area. (R. 103.) The Telegraph Herald circulates in a radius of approximately 50 miles extending into the six counties already mentioned. (R. 8.) This area is served, and the Examiner so found, by 29 weekly and 13 daily newspapers. (R. 12.)

In the City of Dubuque, three daily newspapers circulate in competition with the Telegraph Herald, namely the aforementioned Catholic Daily Tribune, the Des Moines Register-Tribune, and the Cedar Rapids Gazette. There are also published in Dubuque, in advertising competition with the Telegraph Herald, the weekly Dubuque Leader, the Buyers' Guide, and the Witness; and then there is the Direct-by-Mail Service. (R. 12.)

Station WKBB is the only radio advertising medium in this area.

The petition dwells at length upon the publication by the Telegraph Herald of liquor advertisements, it being contended that such publication is in violation of the laws of the State of Iowa. It is hardly necessary to point out that the question as to whether or not the Telegraph Herald is violating any Iowa statute is one for the State to raise in a proper proceeding for that purpose. Furthermore, the record shows that there is no intention on the part of the Telegraph Herald to carry liquor advertising over the proposed station. (R. 120.) However, in view of the great importance attached by petitioner to the fact that the Telegraph Herald carries liquor advertising, and of the affidavit of August 9, 1937, by Walter E. Klauer in that connection in support of the petition, the true facts are here set forth.

545

The Iowa statute (Code 1921–F47) in question provides that—

"*Except as permitted by federal statute and regulations*, there shall be no public advertisement or advertising of alcoholic liquors in any manner or form within the state." [Italics supplied.]

Everyone know that the federal laws permit the public advertisement of alcoholic liquors. However, at the time of the hearing, the Liquor Control Commission of Iowa had not decided what interpretation to place upon this provision. Because of this doubt the Telegraph Herald determined to accept no more liquor accounts after the expiration of existing contracts, or until an authoritative interpretation of the statute declared such advertising perfectly legal. William J. Arndt, the witness for the Telegraph Herald, testified (R. 119) that this had been done upon his recommendation and that—

"* * *, inasmuch as there was some question as to the propriety of this type of advertising from the Liquor Control Commission, we discontinued this type of advertising in view of those existing circumstances."

As stated by Mr. Arndt in his affidavit of August 25, 1937, which is attached to and asked to be read as a part of this petition as Exhibit A, the Telegraph Herald has been advised that the statute does not forbid liquor advertising in the State of Iowa as long as all advertising complies with the federal laws and regulations. In view of these changed circumstances, the Telegraph Herald, in company with eight other Iowa daily newspapers, decided to accept liquor advertising. However, the affidavit of Mr. Arndt reaffirms his unequivocal statement made at the time of

the hearing that no liquor advertising will be carried over the Telegraph Herald radio station.

The petitioner also stated (p. 13) that the Telegraph Herald "was requested to publish the radio (WKBB) programs" but that it has consistently refused to do so. The record shows that, in answer to the question as to why the Telegraph Herald does not publish the WKBB programs, Mr. Arndt replied (R. 13), 546 "We have never been approached on that matter." Later the Examiner himself questioned the Telegraph Herald witness regarding the publication of WKBB programs and received the following answer (R. 315):

"We were never approached on the matter of publishing the local station's listing."

Walter E. Klauer, President of Station WKBB, stated (R. 220), upon direct examination, that he had never requested the Telegraph Herald to list his programs.

The "request" to which petitioner refers evidently concerned a publicity release covering a transcribed Chevrolet program which was sent to Station WKBB by the World Broadcasting Company to be forwarded to the Telegraph Herald. The Dubuque Chevrolet dealer wrote WKBB asking why the release never appeared in the newspaper. He sent a copy of his letter to Mr. Woodward, president of the Telegraph Herald. Mr. Carpenter, Manager of WKBB, replied stating that he did not know, and sent a copy of his reply to Mr. Woodward (R. 292-293). Mr. Carpenter admitted (R. 308) that it did not call for an answer from Mr. Woodward. Later Mr. Arndt, for the Telegraph Herald, testified as follows (R. 315):

"* * * I can't regard a copy of a letter sent to our publisher, intended for one of our advertisers, as sufficient grounds for us to make an arrangement of that kind that involves considerable space in the paper. The only thing a daily newspaper has to sell is white space."

The publicity release was, of course, in the realm of advertising for Chevrolet, and no newspaper could reasonably be expected to publish it without payment therefor at the applicable advertising rates.

C. Conclusion

The foregoing considerations prove that the Petition for Rehearing fails to show, as required by Commission rule 106.31, that new or additional material evidence has been discovered, or that the Commission overlooked or failed to consider any material

question of law or matter of fact which, if considered, would have changed its decision.

547 THEREFORE, the Petition for Rehearing should be denied.

Respectfully submitted.

TELEGRAPH HERALD (KDTH),
By (Sgd.) ELIOT C. LOVETT,
Its Attorney.
729 Fifteenth Street, Washington, D. C.

CITY OF WASHINGTON,
District of Columbia, ss:

I, Eliot C. Lovett, upon my oath state that I signed the foregoing Opposition to Petition of Station WKBB for Rehearing as the attorney for the Telegraph Herald; that I personally examined the renewal applications of the petitioner and the documents filed in support of the application for the transfer of control and know that the references in the foregoing Opposition accurately reflect the corresponding facts in the said applications and documents on file with the Commission; that I know that all other matters and things contained in the said Opposition are true of my own knowledge except those stated upon information and belief and those I verily believe to be true; and that I have personally served a copy of the said Opposition upon the representatives of each of the parties who participated in the proceedings.

(Sgd.) ELIOT C. LOVETT.

Subscribed and sworn to before me a notary public in and for the District of Columbia this 27th day of August 1937.

[SEAL] (Sgd.) JERROLD B. ULLMAN,
Notary Public, D. C.

548 *Exhibit A*

Federal Communications Commission, Washington, D. C.

Docket No. 3967

In re application of Telegraph Herald (KDTH), Dubuque, Iowa. For construction permit.

Affidavit of William J. Arndt in Support of Opposition to Petition For Rehearing

STATE OF IOWA,
County of Dubuque, ss:

I, William J. Arndt, upon my oath state that I have read the Petition for Rehearing filed in the above entitled cause by

Sanders Brothers Radio Station, licensee of Station WKBB, together with the affidavits of Walter E. Klauer dated August 9th, 1937, and attached to the said Petition, particularly the affidavit relating to the advertisements of alcoholic liquor appearing in the Telegraph Herald; that I am the same William J. Arndt to whom reference is made in the Petition and who testified that the Telegraph Herald would not renew any then (September 15, 1936) existing contracts for liquor advertisements; that this statement was based upon the fact that the policy to be established by the Liquor Control Commission of Iowa was then undetermined, although there was no indication that regulations would be promulgated prohibiting liquor advertisements in newspapers; that subsequent to March 5, 1937, the Telegraph Herald was advised that the only provision of the statute which could possibly prohibit liquor advertising does not actually forbid such advertisin in the State of Iowa so long as it complies with the federal laws and regulations; that, in the light of this change in conditions, the Telegraph Herald decided to continue to accept alcoholic beverage accounts; that eight other daily newspapers in the State of Iowa also carry such advertisements, namely, Burlington Hawk-Eye Gazette, Burlington, Iowa; Davenport Times, Davenport, Iowa; Davenport Democrat, Davenport, Iowa; Dubuque Telegraph Herald, Dubuque, Iowa; Fort
549 Madison Democrat, Fort Madison, Iowa; Keokuk Gate City, Keokuk, Iowa; Sioux City Tribune, Sioux City, Iowa; Sioux City Journal, Sioux City, Iowa; Spencer Reporter, Spencer, Iowa; and that as the record already shows, the Telegraph Herald will carry no liquor advertisements whatsoever over its proposed radio station because it believes that, whereas such advertisements are entirely proper in a newspaper, yet they are objectionable for broadcasting purposes, especially in the case of a daytime station which will number many children among its listeners.

If and when the Iowa Liquor Control Commission definitely rules against the acceptance of liquor advertising in daily newspapers of the state, the Telegraph Herald will be one of the first to abide by such regulations.

(Sgd.) WILLIAM J. ARNDT.

Subscribed and sworn to before me a notary public in and for the State and County aforesaid this 25 day of August 1937.

[SEAL] (Sgd.) M. R. KANE,
Notary Public.

My Commission expires July 4, 1939.

[Endorsed:] Received: Federal Communications Commission. Mail and Files Section. 1937, Sep. 4, A. M. 7:33.
[Endorsed:] Federal Communications Commission. Sep. 3, 1937. Office of Secretary.
[Endorsed:] Received. Sep. 4, 1937. Docket Section.

Federal Communications Commission, Washington, D. C.

Docket No. 3967

In re application of Telegraph Herald (KDTH), Dubuque, Iowa. -For construction permit.

550 *Supplemental affidavit in support of opposition to petition of station WKBB for rehearing.*

STATE OF IOWA,
County of Dubuque, ss:

I, William J. Arndt, upon my oath state that I am the same William J. Arndt who, on August 25, 1937, executed an affidavit in support of the opposition filed on behalf of the Telegraph Herald to the petition of Station WKBB for a rehearing in connection with the above-entitled application: that, since I executed the said affidavit, there have come to my attention matters which may be of interest to the Federal Communications Commission in view of the statements heretofore made by Walter E. Klauer, President of Sanders Brothers Radio Station, licensee of Station WKBB, concerning the policy of the Telegraph Herald in accepting liquor advertisements for publication in its newspaper; that the said Walter E. Klauer directs the policies of Station WKBB; that Station WKBB maintains studios in the Julien Hotel, which is operated by the Julien Hotel Company, Inc., on the corner of Second and Main Streets, in Dubuque; that the said Walter E. Klauer is manager of the Julien Hotel, of which he and his father are the principal owners; that, on August 26th, the Bureau of Internal Revenue announced the names of the Iowa dealers who have purchased the $25 Federal retail liquor dealer's tax stamps for the fiscal year which began July 1st, and which entitle the purchasers to sell both beer and hard liquor as far as the Federal Government is concerned; that the said Julien Hotel Company, Inc., is listed among those holding a Federal permit; that on August 27th, 1937, Hon. Bernard E. Manley, Chairman of the Iowa Liquor Control Commission, announced that the number of Federal retail liquor dealer permits in Iowa is a "yardstick" by which the State authorities are able to estimate the volume of illicit-liquor traffic, and that "if there are one thousand of those

stamps in the State, that means there are that many bootleggers—or very nearly that many"; that dealers holding the stamps are immune from federal prosecution even though they violate State laws; that Hon. John H. Mitchell, Attorney General of Iowa, announced on August 27th that he would use the list
551 of permit holders as a basis for concerted local and State action to enforce the liquor laws and would "suggest action by county attorneys and sheriffs," and that "the names likewise will be used by our own Department."

(Sgd.) WILLIAM J. ARNDT.

Subscribed and sworn to by me, a notary public in and for the State and County of aforesaid this 1st day of September 1937.

[SEAL] (Sgd.) M. R. KANE,
Notary Public.

My Commission expires July 4, 1939.

Federal Communications Commission, Washington, D. C.

Docket No. 3967

In re application of Telegraph Herald (KDTH), Dubuque, Iowa. For construction permit.

Affidavit of Service

CITY OF WASHINGTON,
District of Columbia, ss:

I, Dorothy B. Slebos, upon my oath state that I am employed in the office of Eliot C. Lovett, attorney for the Telegraph Herald; and that I have personally served, upon the representatives of each of the parties who participated in the proceedings, a copy of the foregoing supplemental affidavit of William J. Arndt in opposition to the Petition of Station WKBB for Rehearing.

(Sgd.) DOROTHY B. SLEBOS.

Subscribed and sworn to before me, a notary public in and for the District of Columbia, this 3rd day of September 1937.

[SEAL] (Sgd.) T. C. MEIDINGER,
Notary Public.

My commission expires June 1, 1938.

552 [Endorsed:] Federal Communications Commission. Sep. 9, 1937. Office of Secretary.
[Endorsed:] Received. Sep. 10, 1937. Docket Section.

Federal Communications Commission (en banc), Washington, D. C.

Docket No. 3967

In re application of Telegraph Herald, Dubuque, Iowa. For construction permit to operate on 1340 kc. daytime with 500 w. power.

Reply to opposition to petition for rehearing

Sanders Brothers Radio Station, licensee of Radio Station WKBB (hereinafter referred to as "Petitioner") filed a Petition for Rehearing of the above-entitled matter on August 10, 1937. The Telegraph Herald (hereinafter referred to as "Applicant") filed an Opposition thereto on August 27, 1937. Said Opposition is replete with unwarranted inferences, and statements without foundation in the record and without foundation in fact. A number of such statements are so grossly at variance with the record or based upon such erroneous assumptions as to require a reply.

1. Alleged discrepancy between record and WKBB renewal applications

Approximately six pages of Applicant's Opposition are devoted to a labored comparison of the information regarding estimated income and expenditures contained in the renewal applications of Station WKBB with the evidence of record regarding the operating deficits of the station. In substance, Applicant alleges that the information contained in the renewal applications shows that the station has operated at a substantial profit and that therefore the evidence of record that the station has operated at a loss is in error. The apparent purpose of these allegations is to discredit the testimony of Walter E Klauer, Petitioner's president, and to infer that there is
553 adequate commercial support available in Dubuque to warrant the establishment of another radio station. Obviously, if it be a fact as the record shows, that WKBB, although efficiently managed and operated, is unable to make a profit, it follows that the addition of another radio station would not only be ruinous to WKBB but the new station could not hope to meet operating expenses, and accordingly the broadcasting service to the public would be seriously impaired. This is conceded by Applicant, at least through inference, inasmuch as it has so strenuously emphasized its allegations that WKBB is operating at a substantial profit.

What are the facts? By a novel method of reasoning, Applicant alleges that the station made a profit of $15,000 in 1934, $9,300 in 1935, and $7,200 in 1936. These figures have been determined by deducting from the estimated "average gross income per month from station operation," the total of the estimated "average amount of money per month spent for talent and other purposes," as shown in the renewal applications. In other words, Applicant has assumed that an estimate of the money spent for talent and other purposes, as called for by the renewal applications is equivalent to the total of all items deductible from gross income to determine net profit or loss. The fallacy of such an assumption is obvious. In the first place, the renewal application calls only for the amount of money spent. Such matters as reserves, depreciation, and sales allowances are not called for, nor are they included in the WKBB renewal applications. Secondly, the amounts shown in the renewal applications are estimates only, since the books of WKBB are closed only at the end of each calendar year and the renewal applications are prepared in April and October of each year.

In order properly to compare the estimates shown in the renewal applications with the actual operating figures it is necessary to convert the renewal estimates into a calendar year basis. This has been done in the following table by using the estimates contained in the April 1934 renewal for the months of January, February, and March 1934; the estimates contained in the October 1934 renewal for the months of April, May, June, July, August, and September 1934; the estimates contained in the April 1935 renewal for the months of October, November, and December 1934, and January, February, and March 1935; etc.

	1934		1935		1936	
	Ave. gross income	Ave. amt. spent	Ave. gross income	Ave. amt. spent	Ave. gross income	Ave. amt. spent
Jan	$3,000	$2,000	$2,500	$1,500	$2,500	$1,800
Feb	3,000	2,000	2,500	1,500	2,500	1,800
Mar	3,000	2,000	2,500	1,500	2,500	1,800
Apr	3,500	2,000	2,500	1,800	2,800	2,100
May	3,500	2,000	2,500	1,800	2,800	2,100
June	3,500	2,000	2,500	1,800	2,800	2,100
July	3,500	2,000	2,500	1,800	2,800	2,100
Aug	3,500	2,000	2,500	1,800	2,800	2,100
Sept	3,500	2,000	2,500	1,800	2,800	2,100
Oct	2,500	1,500	2,500	1,800	2,900	2,600
Nov	2,500	1,500	2,500	1,800	2,900	2,600
Dec	2,500	1,500	2,500	1,800	2,900	2,600
Total for Years	$37,500	$22,500	$30,000	$20,700	$33,000	$25,800

There is attached hereto and made a part hereof, marked Exhibits 1, 2, and 3, profit and loss statements of Station WKBB for the calendar years 1934, 1935, and 1936 respectively.

Calendar year 1935

A comparison of the estimates contained in the renewal applications covering the calendar year 1935 with the profit and loss statement for the year 1935 (Exhibit No. 2) discloses that remarkably accurate estimates were made in the renewal applications. Taking gross income first, the estimates contained in the renewals total $30,000 for the year (see tabulation above). The profit and loss statement shows that the actual gross income amounted to $29,040.77. The renewals estimated money spent during the year at $20,700. The profit and loss statement shows that actual disbursements (Music and Records, News Service, Telephone, Royalties (ASCAP), Salaries, Fuel, Light and Power, Maintenance and Repairs, Frequency Expense, Traveling Expense, Commissions, Advertising and Promotion, Office Supplies, Insurance, Miscellaneous Expense, Legal Expense and Taxes) amounted to $20,865.60. These estimates are within 3% and less than 1%, respectively, of being absolutely accurate. It does not follow, however, as assumed by Applicant, that the difference between the gross income and the actual disbursements represents net profit to the station. Besides the disbursements, there must be deducted from the gross income: sales allowances of $1,569.42, reserves of $3,235.25 and depreciations of $5,688.44. This leaves a net loss for the year 1935 of $2,317.94, as stated in the affidavit of Walter E. Klauer dated August 9, 1937, and attached to Petitioner's petition for rehearing.

Calendar year 1936

A similar comparison of the 1936 figures shows the following:

	Gross income	Actual disbursements
Estimates shown in renewals	$33,000.00	$25,800.00
Profit and loss statement	35,903.21	31,082.24

Here the estimates fell somewhat short of actual results, both in income and disbursements. However, an examination of the month by month estimates as shown in the above tabulation (page 3, supra) readily discloses the reasons for the estimates being lower than the actual results. The year 1936 was a period in which both income and expenditures were steadily increasing. Under such conditions the estimates naturally would be low. Furthermore, there were several extraordinary expenses during the year 1936 which were not included in the estimates shown in the renewal applications; e. g., legal and engineering expenses.

On the basis of Applicant's erroneous assumption, the above quoted figures would indicate that the station made a profit of $7,200 (Renewal estimates, gross income less disbursements) of $4,820.97 (Profit) and loss statement, gross income less disbursements). Actually, the station incurred a loss of $1,194.41 for the year 1936 by reason of the fact that other legitimate deductions were made besides actual cash disbursements, namely: sales allowances, $1,053.15; depreciation, $5,723.24; and reserves, $2,601.49. These deductions would have shown a deficit of $4,556.91 had they not been partially offset by a charge-off of accounts payable in the amount of $3,362.50 (Exh. No. 3).

Calendar year 1934

It is true, as contended by Applicant, that the estimates contained in the renewal applications covering the year 1934 are at variance with the actual operating figures. The renewal estimates show a total gross income of $37,500 whereas the actual gross income was only $20,938.06. The renewal estimates show
total disbursements of $22,500 whereas the actual disburse-
556 ments amounted to only $15,533.08. These discrepancies are due to several factors. The station had just commenced operation in December of 1933; it was feeling its way with regard to rates and had to reduce its rate schedule before the end of 1934; the estimates contained in the renewal applications were based on monthly billings, many of which were either reduced to conform to the lower rate schedule or were never collected; radio advertising was entirely new to the community and the amount of business varied greatly from month to month; bad debts were excessive; the station's bookkeeping system was not perfected until the end of 1934—at that time a substantial amount was written off in bad debts simply by not including it in gross income. Exhibit No. 1 hereto attached is a correct profit and loss statement for the year 1934 which was prepared at the close of the year when the bookkeeping system was finally and completely set up. It shows a net deficit for the year of $1,847.91.

On page 4 of Applicant's Opposition reference is made to a profit and loss statement covering the months of October, November, and December 1934, which was submitted in connection with a previous application, and showing an average profit for those three months, after deducting depreciation, of $42.11 per month. It is inferred that this conflicts with the profit and loss statement for the year 1934 showing a deficit for the year of $1,847.91. Such a contention scarcely warrants a reply. It is common knowledge that radio advertising is at its peak during the months of

October, November, and December, and if a station is only able to show a profit of $42.11 per month during those months it is an absolute certainty that the year's operation will result in a substantial loss.

On page 5 of the Opposition, Applicant arrives at some startling conclusions by reason of its erroneous assumptions relative to the information contained in the renewal applications, as above discussed; namely, that Petitioner has deducted as depreciation $16,847.91 in 1934, $11,617.94 in 1935, and $8,394.41 in 1936. Actually, as shown by the profit and loss statements hereto attached, the deductions for depreciation were $6,188.44 for 1934, $5,688.44 for 1935, and $5,723.24 for 1936, all of which deductions were entirely warranted by the value of the fixed assets.

557 From the foregoing facts it is evident that Applicant's contention that Station WKBB has operated at a profit is without merit. Actually, in the three years from 1934 to 1936, inclusive, the station has incurred an aggregate deficit of $5,360.26. Thus, it cannot be urged seriously that the Dubuque market can financially support two radio stations.

2. Alleged misstatements regarding chamber of commerce committee assignments

This matter is admitted by Applicant to be of minor importance. However, Applicant's interpretation of the stipulation on the subject, filed herein on March 2, 1937, is not in accord with Petitioner's interpretation thereof. An examination of the record in this cause shows conclusively that the Telegraph Herald has taken an extremely hostile attitude toward Station WKBB ever since the Station commenced operation in the Dubuque area. The Chamber of Commerce "committee appointments" is only one of a series of incidents indicative of this hostility. Mr. Klauer testified that immediately after he became associated with Station WKBB he was dropped from the committee on which he had been serving, and that this occurred at a time when Mr. Woodward, publisher of the Telegraph Herald, was President of the Chamber of Commerce. Paragraph 5 of the stipulation confirms Mr. Klauer's testimony that he had been dropped from his committee assignments, and show that Mr. Woodward's term as President expired concurrently with Mr. Klauer's committee assignment for 1933.

However, Paragraph 7 of the stipulation setting forth the general practice followed in making appointments indicates that Mr. Woodward was in a position to exercise influence in the matter of committee appointments at the time of the incident, and Paragraph 5 shows that Mr. McLean, successor to Mr. Woodward as President, disclaims responsibility for the incident.

It may be that Mr. Woodward had nothing whatever to do with the removal of Mr. Klauer from the committee, but under all the circumstances disclosed in this record Mr. Klauer was amply justified in so believing.

3. Alleged need for proposed program service

Applicant, in its Opposition, argues at great length that its proposed program service will not duplicate that being
558 rendered by Station WKBB and that there is a need therefore in the surrounding agricultural areas. Principal reliance is placed upon the proposed county agricultural agent program, to be given by the agents of the six surrounding counties, in rotation, one each day, at a suitable hour to the farmers. The evidence shows that Station WKBB attempted an identical program, but found as a practical matter that it could not be worked. The county agents live so far away from Dubuque that often they were late or failed to appear at all. Some of the agents lost interest because the programs were not reaching their entire counties. The Telegraph Herald undoubtedly would encounter the same difficulties. In order to satisfactorily serve the entire six counties in question, it would be necessary to cover a radius of 60 miles. Applicant admits that it will only cover a radius of 48 miles with a signal of 250 microvolts per meter, which, of course, is inadequate for even satisfactory rural service. Its 500 microvolt per meter contour will extend only 39 miles.

The record shows that in lieu of the six county agents, the Dubuque County Agent, who resides in Dubuque, is broadcasting over Station WKBB each Monday noon. On the remaining days of the week the time is used by other agricultural speakers or by material supplied by the Agricultural Departments of Iowa, Illinois, Wisconsin, and the Federal Government.

During the six months prior to the hearing Station WKBB broadcast 142 quarter-hour agricultural programs, 834 quarter-hour educational programs, 325 quarter-hour civic programs, 198 quarter-hour religious programs, 425 quarter-hour children's programs, and 982 news broadcast (WKBB Exh. No. 22), and approximately 70 musicians and musical organizations have broadcast over the station (WKBB Exh. No. 25). A comparison of the WKBB programs with those proposed by the Telegraph Herald shows conclusively that they are practically identical.

In an effort to show that its proposed programs will not duplicate those of WKBB, applicant directs attention to its plans to carry programs from the Columbia College, the Clark College, the University of Dubuque, the Dubuque Academy of Music,

and the Immaculate Conception Academy. During the
559 past school term all of these schools have used the facilities of WKBB extensively. Columbia College has broadcast a daily half-hour program five days a week, by remote control, from the college, and also its commencement exercises on May 30, 1937. Clark College has broadcast two half-hour programs weekly. The University of Dubuque has broadcast a daily quarter-hour program five days a week, by remote control, and also its commencement exercises on June 8, 1937. Graduating students and teachers of the Dubuque Academy of Music have appeared over the station on numerous occasions. Likewise, graduates and students of the Immaculate Conception Academy have broadcast over the station.

4. Alleged lack of service available in area proposed to be served

On the subject of existing service available in the area proposed to be served Applicant contradicts itself. On the one hand, when speaking of its own expected service area, it is contended that 250 microvolts per meter is sufficient for satisfactory service, but when determining what stations serve the area proposed to be served with a satisfactory signal 500 microvolts is used. And by failing to show the extent of coverage of those stations which serve only a part of the area in question Applicant leaves the impression that there is very little radio service available. Actually, there is an overabundance of radio service, according to Applicant's own evidence. Applicant took field strength measurements of all stations delivering a signal of 100 microvolts per meter or more at points 40 miles west of Dubuque, 20 miles west, western city limits, center of city, eastern city limits, 20 miles east, and 40 miles east (Tel. Herald Exh. No. 10). These measurements show that the entire area proposed to be served by the Telegraph Herald receives a signal of 250 microvolts per meter or more from Station WMT, WSUI, WMAQ, WGN, and WBBM.

WMT delivers a signal ranging from 2.85 mv/m to 7.7 mv/m to the west and from 2.65 mv/m to 1.22 mv/m to the east.

WSUI delivers a signal ranging from .798 mv/m to 1.24 mv/m to the west and from .588 mv/m to .387 mv/m to the east. Thus, about 3/4 of the area in question receives better than .500 mv/m.

560 WMAQ delivers a signal ranging from 1.09 mv/m to .540 mv/m to the west and from 1.095 mv/m to 3.625 mv/m to the east.

WGN delivers a signal ranging from 1.010 mv/m to .410 mv/m to the west and from 1.021 mv/m to 2.65 mv/m to the east. Thus, over 3/4 of the total area in question receives better than .500 mv/m.

WBBM delivers a signal ranging from .640 mv/m to .318 mv/m to the west and from .805 mv/m to 1.88 mv/m to the east. Thus, over half of the area in question receives better than .500 mv/m.

In addition, Station WHO serves the western half of the area in question with about .500 mv/m and the eastern half with about .250 mv/m or slightly less; Station WOI serves about 1/2 of the area to the west with approximately .500 mv/m; Station WENR serves the eastern half of the area in question with .500 mv/m or more; Station WTMJ serves the eastern half of the area with a signal ranging from .398 mv/m to .650 mv/m; Station WIND serves about 1/2 of the area to the east with about .400 mv/m; Station WJJD serves about 1/2 of the area to the east with about .400 mv/m; and Station WIBA serves about 1/2 of the area to the east with approximately .400 mv/m.

In addition to the foregoing 12 stations, Station WKBB also serves the area.

5. Alleged newspaper competition

In an effort to leave the impression, which is entirely erroneous, that the newspaper field in Dubuque is highly competitive, Applicant makes such statements as: "There is also published in Dubuque the said Catholic Daily Tribune, which is a national newspaper with a circulation of 18,000 or 20,000, *the bulk of which is in the local area*" [italics supplied] and "In the City of Dubuque three daily newspapers circulate in competition with the Telegraph-Herald; namely, the aforementioned Catholic Daily Tribune, the Des Moines Register-Tribune, and the Cedar Rapids Gazette. There are also published in Dubuque, in advertising competition with the Telegraph Herald, the weekly Dubuque Leader, the Buyers' Guide, and The Witness; * * *." It will be noted that Applicant does not allege that the first three newspapers are in advertising competition with it.

561 Actually, the Telegraph Herald dominates the newspaper field in Dubuque. For all practical purposes, it is the only newspaper. The Catholic Daily Tribune is, as its name indicates, a daily newspaper published for members of the Catholic Church. Petitioner has been advised by the publishers of the Catholic Tribune that its average net paid circulation is 14,666 which covers the entire United States. The circulation in the City of Dubuque is 1,114 or only 7.5% of the total; in Dubuque County, including Dubuque City, 1,343, or only 9% of the total and in the six counties, including Dubuque, only 1,780 or only 12% of the total. This is an entirely different situation than that pictured by Applicant, as above quoted. Likewise, the competition from the Des Moines Register-Tribune and the Cedar Rapids

Gazette is not nearly as keen as Applicant would have the Commission believe. The latest Audit Bureau circulation reports show that the Cedar Rapids Gazette has no circulation whatever in Dubuque or Dubuque County. Its total circulation in the six counties surrounding Dubuque amounts to only 2,021. The Des Moines Register-Tribune has a daily circulation of only 614 in Dubuque City, 743 in Dubuque County and 3,067 in the surrounding six counties. The Sunday circulation is somewhat higher.

What does the advertising competition amount to? Three small weekly papers, one of them a Catholic newspaper, one a labor paper, and the third a free shopping guide. Two of them are published on Thursdays and the third one on Fridays.

6. Liquor advertising

Applicant admits that it has continued to accept liquor advertisements, notwithstanding the testimony of its circulation manager given at the hearing to the effect that their existing contracts would not be renewed, and gives as an explanation, therefor, that "*subsequent to* March 5, 1937, the Telegraph Herald *was advised*" that the Iowa Liquor Control Act "does not actually forbid such advertising." [Italics supplied.]

It will be noted that Applicant does not allege that the State authorities have ruled that advertising of liquor is permitted, but merely that it has been so advised, presumably by its own
562 counsel; nor is the exact date shown on which the "advise" was received. The Iowa Liquor Control Act provides:

"Sec. 40. No advertising.—Except as permitted by federal statute and regulations, there shall be no public advertisement or advertising of alcoholic liquors in any manner or form within the state of Iowa.

"(1) No person shall publish, exhibit, or display or permit to be displayed any other advertisement or form of advertisement, or announcement, publication, or price list of, or concerning any alcoholic liquors, or where, or from whom the same may be purchased or obtained, unless permitted so to do by the regulations enacted by the commission and then only in strict accordance with such regulations."

Petitioner has made diligent inquiry to determine what official interpretations have been placed upon the above-quoted statute. So far as Petitioner has been able to learn, the only official ruling ever made on the subject was in the form of a letter from the office of the Attorney General for the State of Iowa to the County Attorney for Dubuque County, dated August 29, 1935. Copy of said letter is hereto attached, marked Exhibit No. 4. No regulations, as provided for in Section (1) above-quoted and referred to in the Attorney General's letter, have been promulgated by the

Liquor Commission, and it is obvious from a reading of the statute that unless and until the Commission shall issue regulations governing advertising of liquor, such advertising shall be illegal. Furthermore, Petitioner has been advised directly by the Iowa Liquor Commission that advertising of liquor in the State of Iowa is illegal.

Applicant's contention that the phrase "except as permitted by federal statute and regulation" permits advertising (since it is not forbidden by federal statute) is certainly in error. If this were correct there would have been no purpose whatever in including the above-quoted section in the Act. Furthermore, it is elementary that the Federal Government has no jurisdiction to regulate advertising within a state.

Applicant states "that the question as to whether or not the Telegraph Herald is violating any Iowa statute is one for the State to raise in a proper proceeding for that purpose."
563 This is true. However, the question is also of vital importance to the Commission in determining the qualification of an Applicant for a radio franchise.

7. Failure of Telegraph Herald to publish WKBB programs

Applicant would have the Commission believe that Petitioner has made no attempt whatever to have its programs published in the Telegraph-Herald. However, the record shows that several such attempts have been made.

For some time after the station commenced operation, the programs were supplied regularly to the Telegraph Herald. At the time the station became affiliated with a network (April 1936), complete listings of the network programs were sent to the newspaper for five weeks. None of these were ever published (R. 290–292).

In the year 1935, the station carried a series of programs designated as a good will gesture to the newspaper. These programs were likewise sent to the newspaper but were not published (R. 294).

8. Supplemental affidavit of William J. Arndt

The supplemental affidavit of William J. Arndt, dated September 1, 1937, is irrelevant and immaterial to the issues. It does not alleged a violation of the Iowa State Liquor Control Act nor does it set forth facts which, even if true, would constitute a violation. Furthermore, it relates to the Julien Hotel Company, Inc., an Iowa corporation, which is not involved in this proceeding in any manner whatsoever, nor is it connected in any way with Sanders Brothers Radio Station, licensee of Station WKBB.

The allegation in the affidavit that Walter E. Klauer, President of WKBB, is manager of the Julien Hotel and one of the principal owners thereof is entirely incorrect. He is not and never has been the manager of the hotel, nor has he ever been one of the principal owners thereof. He is vice-president of the corporation and holds one qualifying share only. Likewise the inference that the Julien Hotel is violating the Iowa Liquor Act is utterly false. The hotel holds a local permit which entitles it to sell beer as permitted by state law. This necessitates the purchase of a federal retail malt beverage dealer's tax stamp which costs $20.00.

A federal tax stamp covering both liquor and malt
564 beverages costs only $25.00 and the $25.00 stamp is purchased simply as a protection against federal prosecution in the event of a possible sale of liquor by employees of the hotel. In other words, the $5.00 difference between the cost of the two tax stamps is in the nature of an insurance premium.

Said affidavit is an obvious attempt to reflect upon the character of Walter E. Klauer, President of WKBB, and is entirely without foundation in fact. It is typical of the attitude displayed by the Telegraph Herald toward the said Klauer since he became associated with WKBB, as shown by the record and found by the examiner.

Conclusion

Applicant's opposition to Petitioner's request for rehearing of the above-entitled cause has injected numerous minor issues which tend to cloud and confuse the principal issues; namely, that there is no need in the Dubuque area for an additional radio station and that there is insufficient commercial support to insure the satisfactory operation of two stations. Petitioner has incurred substantial deficits in the operation of Station WKBB to date, but hopes, by improving its technical efficiency, as authorized by its recently granted construction permit (involving an expenditure of $15,000) to increase its business sufficiently to make the station self-supporting. Obviously, a division of the radio advertising revenues available in Dubuque will result in the destruction of WKBB.

Wherefore, Petitioner prays that its petition for rehearing be granted.

SANDERS BROTHERS RADIO STATION
(WKBB),

By (Sgd) LOUIS G. CALDWELL,
By (Sgd) REED T. ROLLO,
By (Sgd) DONALD C. BEELAR,
Its Attorneys.

365 Verification

STATE OF IOWA,
County of Dubuque, ss:

Walter E. Klauer, being first duly sworn on oath, deposes and says that he is the President of Sanders Brothers Radio Station, that he has read the foregoing Reply to Opposition to Petition for Rehearing and that the facts stated therein are true and correct of his own knowledge except to such matters as are stated upon information and belief, and as to these matters he believes them to be true.

WALTER E. KLAUER.

Subscribed and sworn to before me on this — day of September 1937.

——— ———, *Notary Public.*

My Commission Expires.

Affidavit of service

CITY OF WASHINGTON,
District of Columbia, ss:

Beatrice J. Hegg, having first been duly sworn on oath, deposes and says that she has this day sent by registered mail a copy of the foregoing Reply to Opposition to Petition for Rehearing to Eliot C. Lovett, Esq., 729–15th Street N. W., Washington, D. C., counsel for the Telegraph Herald, and to Horace L. Lohnes and E. D. Johnston, Esq., Munsey Building, Washington, D. C., counsel for Station WSPD.

(Sgd.) BEATRICE J. HEGG.

Subscribed and sworn to before me this —— day of September 1937.

(Sgd.) MIRIAM KOONTZ,
Notary Public, D. C.

My Commission Expires January 3, 1941.

366 *Exhibit No. 1*

SANDERS BROTHERS RADIO STATION, PROFIT AND LOSS STATEMENT, PERIOD ENDING DECEMBER 31, 1934

* * * * * * *

Gross Income:	$20,938.06
Less Allowances	295.20
Net Income for Period	$20,642.86

Exhibit No. 1—Continued

Deductions From Income:		
Music & Records	$135.17	
News Service	899.50	
Telephone & Telegraph	1,729.33	
Royalties (ASCAP)	622.18	
		$3,426.18
Net Paid Income from Station Time		17,216.68
Operating Expense:		
Salaries	5,832.85	
Fuel	234.15	
Light and power	517.90	
Water Service	24.00	
Maintenance and Repairs	1,296.04	
Frequency Expense	99.61	
		8,004.55
Net Profit from Broadcasting		9,212.13
General and Administrative Expense:		
Interest	30.90	
Traveling Expense	179.61	
Dues	2.00	
Drayage	35.24	
Commissions	373.89	
Advertising and Promotions	344.41	
Office Supplies	262.03	
Rent	2,400.00	
Miscellaneous Expense	223.27	
		3,852.35
Operating Profit		5,359.78
Other Expense:		
Legal Expense	125.00	
Grading at Transmitter	125.00	
Reserves	769.25	
Depreciation	6,188.44	
		7,207.69
Net Deficit for Period		1,847.91

567 *Exhibit No. 2*

SANDERS BROTHERS RADIO STATION, PROFIT-AND-LOSS STATEMENT, PERIOD ENDING DECEMBER 31, 1935

Gross Income		$29,040.77
Less Allowances		1,569.42
Net Income for Period		27,471.35
Deductions from Income:		
Music and Records	$1,847.24	
News Service	1,787.37	
Telephone	807.56	
Royalties (ASCAP)	1,057.09	
Net Paid Income from Station Time		21,912.09

Exhibit No. 2—Continued

Operating Expense:		
Salaries	$8,733.70	
Fuel	247.25	
Light and Power	641.48	
Maintenance and Repairs	3,321.77	
Frequency Expense	94.00	
		$13,038.20
Net Profit from Broadcasting		8,873.89
General and Administrative Expense:		
Traveling Expense	59.25	
Commissions	668.95	
Advertising and Promotion	488.89	
Office Supplies	218.21	
Insurance	54.80	
Miscellaneous Expense	193.01	
		1,683.11
Operating Profit		7,190.78
Other Expense:		
Legal Expense	482.59	
Taxes	102.44	
Reserves	3,235.25	
Depreciation	5,688.44	
		9,508.72
Net Loss for Period		2,317.94

568 *Exhibit No. 3*

SANDERS BROTHERS RADIO STATION, PROFIT-AND-LOSS STATEMENT, PERIOD ENDING DECEMBER 31, 1936

* * * * * * * *

Gross Income:		
Time Programs		$35,903.21
Less Allowances		1,053.15
Net Income for Period		34,850.06
Deductions from Income:		
Music and Records	$2,084.70	
News Service	2,122.21	
Telephone and Telegraph	1,176.88	
Talent	520.15	
Royalties (ASCAP)	1,703.07	
		7,607.61
Net Paid Income from Station Time		27,242.45
Operating Expense:		
Salaries—Engineer & Assistants	4,594.00	
Fuel	327.87	
Light and Power	651.24	
Water Service	32.00	
Maintenance and Repairs	1,787.05	
Frequency Expense	87.50	
Net Profit from Broadcasting		19,762.79

Exhibit No. 3—Continued

General and Administrative Expense:		
Salaries	$8,914.00	
Traveling	2,145.65	
Dues and Subscriptions	28.25	
Postage	103.87	
Advertising	137.75	
Office Supplies	256.46	
Insurance	69.38	
Taxes	58.05	
Bridge Fare	156.27	
Legal Expense	2,056.97	
Miscellaneous Expense	42.37	
		$13,969.02
		5,793.71
Other Expense:		
Survey and Engineering	725.60	
A. B. C. Network	1,300.35	
Depreciation	5,723.24	
Reserves	2,601.49	
		10,350.68
		4,556.91
Other Income:		
Accounts Payable, Items charged off		3,362.50
Net Deficit for Period		1,194.41

569 Minute #588

DECEMBER 8, 1937—10:00 A. M.

Excerpt from Minutes of the Federal Communication Commission

Present: Commissioners McNinch, Chairman; Payne, Sykes, Brown, Walker, and Case.

* * * * * * *

Broadcast matters hearing docket

The Commission, upon consideration of a petition of the Sanders Brothers Radio Station (WKBB) requesting a rehearing before the Commission en banc on the application of the Telegraph Herald for construction permit, Docket No. 3967, (said application having been granted by the Broadcast Division on July 2, 1937) and the opposition thereto, denied the petition.

* * * * * * *

In the United States Court of Appeals for the District of Columbia

No. 7078

SANDERS BROTHERS RADIO STATION, A CORPORATION, APPELLANT

vs.

FEDERAL COMMUNICATIONS COMMISSION, APPELLEE

Certificate of T. J. Slowie, secretary of the Federal Communications Commission

I, T. J. Slowie, Secretary of the Federal Communications Commission, do hereby certify that the attached are originals or true and correct copies of all papers and evidence presented to the Federal Communications Commission in the matter of the applications of Telegraph Herald and of Sanders Brothers Radio Station, and also a true and correct copy of the statement of facts, grounds for decision, and order of the Commission complained of by the appellant.

In Witness Whereof, I have this 13 day of January, 1938, set my hand and the seal of the Federal Communications Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

570 In United States Court of Appeals for the District of Columbia

[Title omitted.]

Joint designation of record

Filed April 2, 1938

Now comes Sanders Brothers Radio Station, a corporation, Appellant, Federal Communications Commission, Appellee, and Telegraph Herald, Intervener, by their respective counsel, and file this their Joint Designation of Record for printing, and direct the Clerk to print the record in said cause as filed, except the following parts thereof, which the Clerk is directed to omit, namely:

Pages 10 to 16, inclusive.
Pages 32 to 39, inclusive.
Page 42.
Page 44.
Pages 46 to 51, inclusive.
Page 55.
Pages 66 to 81, inclusive.

Page 186 to and including line 23, page 188.
Page 293 to and including line 23, page 295.
Page 408.
Page 694.
Pages 711 to 715, inclusive.
Pages 744 to 747, inclusive.
Pages 756 to 908, inclusive.
Pages 918 to 919, inclusive.
Pages 921 to 986, inclusive.
Pages 996 to 1006, inclusive.
Pages 1008 to 1009, inclusive.
Page 1036.
Page 1038.
Page 1056.
Page 1061.

571 Pages 1063 to 1065, inclusive.
Page 1088.
Page 1107.
Pages 1130 to 1134, inclusive.

Counsel certify that the material designated for omission is immaterial to the determination of the questions or issues involved in this appeal and that the printing thereof would be a needless expense.

SANDERS BROTHERS RADIO STATION, INC.,
By PERCY H. RUSSELL, JR., *Its Counsel.*
FEDERAL COMMUNICATIONS COMMISSION,
Appellee.
By HAMPSON GARY, *Its General Counsel.*
TELEGRAPH HERALD, *Intervener.*
By ELIOT C. LOVETT, *Its Counsel.*

[File endorsement omitted.]

572 In United States Court of Appeals for the District of Columbia

No. 7087

SANDERS BROTHERS RADIO STATION, A CORPORATION, APPELLANT

v.

FEDERAL COMMUNICATIONS COMMISSION; TELEGRAPH HERALD, A CORPORATION, INTERVENER

Appeal from the Federal Communications Commission

Decided January 23, 1939

Louis G. Caldwell, Reed T. Rollo, and Percy H. Russell, Jr., all of Washington, D. C., for appellant.

Hampson Gary, George B. Porter, Wm. H. Bauer, Fanney Neyman, and Hugh B. Hutchison, all of the Federal Communications Commission, for appellee.

Eliot C. Lovett, of Washington, D. C., for intervener.

Before GRONER, Chief Justice, and MILLER and VINSON, Associate Justices.

Opinion

MILLER, Associate Justice: The Federal Communications Commission granted an application of Telegraph Herald to construct a new radio broadcasting station at Dubuque, Iowa. At the same time it granted an application of Sanders Brothers Radio Station to move its station, WKBB, across the Mississippi River from East Dubuque, Illinois, to Dubuque, Iowa. Sanders Brothers petitioned for a rehearing of the decision granting the Telegraph Herald application; its petition was denied; and this appeal followed. Telegraph Herald intervened herein.

Appellee denies that appellant has an appealable interest. Section 402 (b) (2) of the Communications Act of 1934[4] permits an appeal by any person aggrieved or whose interests are adversely affected by any decision of the Commission granting or refusing an application for a radio station license. This court has held that the nature of an appellant's grievance can be measured on appeal "only by the reasons therefor which the act requires it to give; and in order to determine its appealable interest we must look—and can look only—to those reasons."[5]

373 In the present case appellant alleged in its statement of reasons for appeal that:

1. The Commission erred in failing to find that there is inadequate and insufficient economic support in Dubuque, Iowa, for the station proposed by the Telegraph Herald.

2. The Commission erred in failing to find that the operation of the station proposed in Dubuque, Iowa, by the Telegraph Herald will result in a financial and economic injury to the appellant, will result in a large loss of operating revenue to the appellant, will further increase its net losses, will impair the service rendered by the appellant to its listening audience, and will destroy the ability of the appellant to render programs of high type and in the public interest.

3. The Commission erred in failing to find that the appellant, which has in the past lost large sums of money through the oper-

[4] Act of June 19, 1934, c. 652, 48 Stat. 1064, 1093; 47 U. S. C. A. § 402 (b) (2) (Supp. [illegible]).

[5] Great Western Broadcasting Ass'n, Inc. v. Federal Communications Comm., 91 F. (2d) 244, 248, 68 App. D. C. 119, 123; see Missouri Broadcasting Corp. v. Federal Communications Comm., 94 F. (2d) 625, 625, 68 App. D. C. 154, 156, cert. denied, 303 U. S. 655.

ation of its station and which is at present failing to earn sufficient money to pay its operating expenses and fixed charges, will lose even greater sums by the operation of the station proposed by the Telegraph Herald.

4. The Commission erred in failing to make any finding with reference to the economic effect upon the appellant by the granting of the application of the Telegraph Herald.

* * * * *

11. The Commission erred in failing to find by written findings made prior to or concurrently with entry of the decision and issuance of the final order that the granting of the application of the Telegraph Herald would adversely affect the interests of Sanders Brothers Radio Station, licensee of WKBB, and will not serve public interest, convenience, and necessity.

These reasons were clearly adequate to present an issue of "economic injury to an existing station through the establishment of an additional station *. * *" and that statement of issue is sufficient to furnish proper grounds of contest on appeal.[6]

In its order, effective July 27, 1937, the Commission determined "that public interest, convenience, and necessity will be served by granting the applications of Telegraph Herald and Sanders Brothers Radio Station for construction permits." Appellant correctly contends that the Commission's findings were insufficient to support this determination and decision, in so far as it relates to intervener's application, since no finding was made concerning the matter of economic injury.

While a radio broadcasting station is not a public utility in the same sense as a railroad, nevertheless, radio communication constitutes interstate commerce, and involves the public interest, and it is in this respect that Congress has exercised its power
574 to regulate it.[7] Since the power of Congress has not been extended to the point of regulating rates for service, or the establishment of rules requiring like service for the entire public, or limiting profits on the basis of investment, or otherwise, the term—public interest, convenience, and necessity—should not be given such a broad meaning as has been applied to it elsewhere in the interpretation of public-utility legislation. For that reason we have held that the Commission "is not required to give the owner of an existing station priority * * * because alone of the primacy of its grant."[8] Nevertheless the Act clearly contemplates that consideration shall be given to

[6] Great Western Broadcasting Ass'n, Inc. v. Federal Communications Comm., 94 F. (2d) 244, 248, 68 App. D. C. 119, 123; Pulitzer Pub. Co. v. Federal Communications Comm., 94 F. (2d) 249, 252, 68 App. D. C. 124, 127.

[7] Federal Radio Comm. v. Nelson Brothers Bond & Mortgage Co., 289 U. S. 266, 279.

[8] Pulitzer Pub. Co. v. Federal Communications Comm., 94 F. (2d) 249, 251, 68 App. D. C. 124, 126.

the equities of existing stations.[9] "In any case where it is shown that the effect of granting a new license will be to defeat the ability of the holder of the old license to carry on in the public interest, the application should be denied unless there are overweening reasons of a public nature for granting it. And it is obviously a stronger case where neither licensee will be financially able to render adequate service. This, we think, is the clear intent of section 402 (b) (2) of the statute, which provides for an appeal by an aggrieved person whose interests are adversely affected by a decision of the commission granting or refusing an application."[10]

Appellee concedes that no finding was made upon the issue of economic injury, but urges that appellant, although given opportunity to do so, failed to furnish evidence to establish the issue; hence that it was not required to make a finding thereon. But the conclusion does not follow. The issue of economic injury having been clearly presented, the Commission was bound to decide it one way or the other, and to make appropriate findings of fact in support of its decision.[11] Absence of findings, whatever the reason therefor, cannot take the place of adequate findings, and the Commission's decision as to public interest, convenience and necessity cannot stand unless supported by such findings.[12] Moreover, it is not the function of this court to review the evidence for the purpose of making findings[13] or of justifying findings not made.[14]

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In its brief the Commission contends that since both appellant and the intervener were found to be financially qualified, and since proper findings were made upon sufficient evidence concerning

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[9] Federal Radio Comm. v. Nelson Brothers Bond & Mortgage Co., 289 U. S. 266, 285.

[10] Great Western Broadcasting Ass'n, Inc. v. Federal Communications Comm., 94 F. (2d) 244, 248, 68 App. D. C. 119, 123; Pulitzer Pub. Co. v. Federal Communications Comm., 94 F. (2d) 249, 252, 68 App. D. C. 124, 127.

[11] Great Western Broadcasting Ass'n, Inc. v. Federal Communications Comm., supra note 7: "* * * we think it is a necessary part of the problem submitted to the Commission in the application for broadcasting facilities." The failure of the Commission specifically to report the facts on the issue "leaves the parties in doubt as to a matter essential to the case * * *." Beaumont, Sour Lake & Western Ry. v. United States, 282 U. S. 74, 86. See Saginaw Broadcasting Co. v. Federal Communications Comm., 96 F. (2d) 554, 559, 68 App. D. C. 282, 287, cert. denied, 59 S. Ct. 72; Missouri Broadcasting Corp. v. Federal Communications Comm., 94 F. (2d) 623, 625, 68 App. D. C. 154, 156, cert. denied, 303 U. S. 655.

[12] Saginaw Broadcasting Co. v. Federal Communications Comm., 96 F. (2d) 554, 68 App. D. C. 282, cert. denied, 59 S. Ct. 72; Missouri Broadcasting Corp. v. Federal Communications Comm., supra note 8; Tri-State Broadcasting Co., Inc. v. Federal Communications Comm., 96 F. (2d) 564, 566, 68 App. D. C. 292, 294; Heitmeyer v. Federal Communications Comm., 95 F. (2d) 91, 68 App. D. C. 180.

[13] Florida v. United States, 282 U. S. 194, 215: "In the absence of such findings, we are not called upon to examine the evidence in order to resolve opposing contentions as to what it shows or to spell out and state such conclusions of fact as it may permit. The Commission is the fact-finding body and the Court examines the evidence, not to make findings for the Commission but to ascertain whether its findings are properly supported." See United States v. Chicago, Milwaukee, St. Paul & Pacific R. R., 294 U. S. 499, 504–505; United States v. Baltimore & Ohio R. R., 293 U. S. 454, 464.

[14] Tri-State Broadcasting Co., Inc. v. Federal Communications Comm., 96 F. (2d) 564, 566, 68 App. D. C. 292, 294: "We cannot review the evidence to determine whether or not there is substantial support therein for findings not made."

population, industries, and business establishments, the assumption is warranted that there are adequate sources of advertising available in the Dubuque area to support the operation of two broadcast stations. This is a possible inference, but viewed in the light of the finding that appellant is losing money is not a necessary one. Another possible inference is that the Commission totally disregarded the issue of economic injury to appellant; and another, that the Commission considered the issue and found it to be without merit. What actually occurred we are left to surmise. To avoid such a situation is the purpose of the rule.[15] The difficulty, therefore, is that the Commission, in its statement of facts and grounds for decision, has not spoken "with the simplicity and clearness through which a halting impression ripens into reasonable certitude. In the end we are left to spell out, to argue, to choose between conflicting inferences."[16] Again, in its brief, the Commission says:

The Appellant proposes to continue operating unlimited time, which includes nighttime hours, whereas the Intervener plans to operate only during the day. It is a matter of common knowledge that evening hours of operation are generally recognized as the most desirable from the standpoint of commercial advertising. This fact is clearly demonstrated by the Appellant's own advertising rate card, which shows that charges for time
576 during evening hours are materially higher than for time sold during the day (R. 461–462). Obviously these parties cannot compete during such hours.

This seems to indicate an advantage for appellant over intervener in the competition for financial support of their respective stations, and, moreover, appellee argues therefrom that the two may receive the patronage of different classes of advertisers. Similarly, appellee argues that appellant will have an advantage because it has a network affiliation and "The Intervener cannot, therefore, be deemed a competitor for sponsored net work programs, which are generally considered an important source of revenue." Moreover, the Commission argues that differences—in frequency, power, type of station, rates and program service—between appellant's station and intervener's proposed sta-

[15] See Atchison, Topeka & Santa Fe Ry. v. United States, 295 U. S. 193, 204 [illegible]. See also, Baltimore & Ohio R. R. v. United States, N. D. N. Y., 22 F. Supp. 533, 536–537.

We held in Saginaw Broadcasting Co. v. Federal Communications Comm., supra note 9, that the rule requiring courts and commissions to make basic findings of fact is designed to insure the decision of cases according to the evidence and the law rather than arbitrarily and in derogation of the facts and issues involved; and to apprise the parties and reviewing court of the bases and validity of the decisions thus rendered. In the absence of findings of basic facts the reviewing court cannot determine whether the lower tribunal acted properly in accordance with the evidence presented. The requirement, therefore, is more than a mere technicality, being a safeguard of the interests of all concerned. See Heitmeyer v. Federal Communications Comm., supra note 9; Baltimore & Ohio R. R. v. United States, supra.

[16] United States v. Chicago, Milwaukee, St. Paul & Pacific R. R., 294 U. S. 499, 510–511. See Beaumont, Sour Lake & Western Ry. v. United States, 282 U. S. 74, 86.

tion refute the claim of the former that it will suffer economic injury. It contends further that the testimony in the record "does not sustain Appellant's contention that the service areas of the two stations will be practically the same, *but, on the contrary, shows that that of Intervener will be larger.*" [Italics supplied.] The conclusion seems to be inescapable, therefore, that economic competition between the two will cover the entire area served by appellant and that if the available potential economic support in that area is inadequate, the result may well be disastrous for appellant or for both. The Commission points out also that intervener plans a program service especially designed to serve the agricultural and educational needs of the surrounding rural area "far more comprehensive in scope than programs of the same general character now broadcast by Station WKBB [appellant's station]"; and that intervener will broadcast stock market reports daily, while appellant does not and will not. All of these considerations, persuasively argued by the Commission and fortified by reference to the evidence, indicate inescapably that there was much in the record relating to the issue of economic injury. But it is not sufficient that they be marshalled and presented in the brief on appeal. They must be prepared as findings of fact, upon which the decision of the Commission may be rested. Otherwise the administrative task has not been completed and there is no proper basis for judicial review. Under the circumstances we must hold that the Commission's decision was arbitrary and capricious and consequently must be set aside.[17]

Appellant assigned as one of its reasons for appeal the alleged consideration by the Commission of evidentiary matter not offered or received in evidence. In a motion suggesting a diminution of record filed prior to oral argument, appellant alleged that:

> it is, and has been for a long time in the past, the regular and openly acknowledged practice of the Commission to re-
> 577 quire and receive additional reports such as those described in said paragraphs in each case submitted to it upon report and recommendation of an examiner, and to make use of and consider such additional reports in making its determinations both of law and of fact in each such case. Such additional reports have, according to appellant's information and belief, regularly purported to set forth facts, arguments, principles of

[17] Saginaw Broadcasting Co. v. Federal Communications Comm., 96 F. (2d) 554, 68 App. D. C. 282, cert. denied, 59 S. Ct. 72; Heitmeyer v. Federal Communications Comm., 95 F. (2d) 91, 68 App. D. C. 180; Tri-State Broadcasting Co., Inc. v. Federal Communications Comm., 96 F. (2d) 564, 68 App. D. C. 292; Missouri Broadcasting Corp. v. Federal Communications Comm., 94 F. (2d) 623, 68 App. D. C. 154, cert. denied, 303 U. S. 655; Florida v. United States, 282 U. S. 194, 215; Atchison, Topeka & Santa Fe Ry. v. United States, 295 U. S. 193, 202.

law and recommendations as to conclusions of fact and law in the case wherein they have been submitted, and at times have set forth facts not shown by or in contradiction to the evidence, all for the purpose of guiding or influencing the members of the Commission in making their determinations and decisions. Appellant is informed and believes, and therefore states the fact to be, that such additional reports were submitted to the Commission in this case, and that the Commission made use of and considered such additional reports in making its determinations of law and of fact in the instant case. The Commission, however, refuses to permit parties to any case before it to have access to or to learn the contents of any of such additional reports and appellant is unable, therefore, to state the contents of any such additional report submitted to and considered by the Commission in this case.

In reply to the motion the Commission said that the reports referred to "do not themselves constitute evidence in the record nor were they so considered by the Commission in making its decision." We denied the motion. The contention was urged in appellant's brief and again on oral argument. Even the necessity of administrative efficiency cannot excuse the use of star chamber procedures to deprive a citizen of a fair hearing. Consequently, if the Commission had based its decision upon matter not introduced in evidence at the hearing,[19] as was done in United States v. Abilene & Southern Ry.,[20] the order would have been void, because such matter cannot be considered as evidence when it is not introduced as such;[21] a finding without evidence is beyond the power of the Commission;[22] and an order or decision unsupported by evidence is void.[23]

578 However, appellant's assertion—upon information and belief—of improper action upon the part of the Commission is entirely unsupported by the record and is contradicted by appellee's positive denial heretofore noted. In its brief, on

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[19] Morgan v. United States, 304 U. S. 1, 14–15.

[20] See United States v. Baltimore and Ohio Southwestern R. R., 226 U. S. 14; 265 U. S. 274.

[21] United States v. Abilene & Southern Ry., 265 U. S. 274, 288. See Morgan v. United States, 298 U. S. 468, 480; West Ohio Gas Co. v. Public Utilities Comm., 294 U. S. 63, 69; Crowell v. Benson, 285 U. S. 22, 48; Interstate Commerce Comm. v. Louisville and Nashville R. R., 227 U. S. 88, 93; Brotherhood of Railroad Trainmen v. National Mediation Board, 88 F. (2d) 757, 761, 66 App. D. C. 375, 379; Denver Union Stock Yard Co. v. United States, D. Colo., 37 F. (2d) 735, 752.

[22] See cases cited in note 18, supra.

[23] Morgan v. United States, 298 U. S. 468, 481–482: "This necessary rule does not preclude practicable administrative procedure in obtaining the aid of assistants in the department. Assistants may prosecute inquiries. Evidence may be taken by the examiner. Evidence thus taken may be sifted and analyzed by competent subordinates. Argument may be oral or written. The requirements are not technical. But there must be a hearing in a substantial sense. And to give the substance of a hearing, which is for the purpose of making determinations upon evidence, the officer who makes the determinations must consider and appraise the evidence which justifies them. That duty undoubtedly may be an onerous one, but the performance of it in a substantial manner is inseparable from the exercise of the important authority conferred." See The Chicago Junction Case, 264 U. S. 258, 263.

this appeal, the Commission described the files which it keeps in connection with applications filed with it and said: "neither these files nor the contents thereof are used as evidence in any case after it is designated for hearing except as the contents of the technical or legal recommendations may be incorporated into the record by the testimony of witnesses under oath and subject to cross-examination." Under the circumstances the presumption of regularity of official conduct is controlling.[24]

Several other reasons for appeal were assigned by appellant, but as the decision of the Commission must be reversed in any event, it is not necessary to consider them.

Reversed and remanded.

579 In United States Court of Appeals for the District of Columbia

No. 7087, January Term, 1939

SANDERS BROTHERS RADIO STATION, A CORPORATION, APPELLANT

vs.

FEDERAL COMMUNICATIONS COMMISSION; TELEGRAPH HERALD, A CORPORATION, INTERVENER

Judgment

January 23, 1939

Appeal from the Federal Communications Commission

This cause came on to be heard on the transcript of the record from the Federal Communications Commission and on motions to dismiss which were argued by counsel.

On consideration whereof, It is now here ordered and adjudged by this Court that the decision of the said Federal Communications Commission in this cause be, and the same is hereby, reversed, and that this case be, and it is hereby, remanded to the said Federal Communications Commission for further proceedings in conformity with the opinion of this Court.

And it is further ordered that the costs in this Court of $1,238.24 shall be paid two-thirds by appellant, in the amount of $825.49, and one-third by the intervener, in the amount of $412.75.

Per Mr. Justice Miller, January 23, 1939.

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[24] Anniston Mfg. Co. v. Davis, 301 U. S. 337, 357; United States v. Chemical Foundation, Inc., 272 U. S. 1, 14–15; Concordia Fire Ins. Co. v. Illinois, 292 U. S. 535, 547; Proctor & Gamble Co. v. Coe, 96 F. (2d) 518, 521, 68 App. D. C. 246, 249, cert. denied, 59 S. Ct. 65; United States v. Barry, 6 Cir., 67 F. (2d) 763, 764, cert. denied, 292 U. S. 648.

580 *Clerk's memorandum*

Petition for Rehearing and motion for stay of mandate filed February 9, 1939.

581 In United States Court of Appeals for the District of Columbia

[Title omitted.]

Order denying rehearing, etc.

August 2 A. D. 1939

On consideration of the motion for rehearing or for stay of the issuance of the certified copy of the judgment herein,

It is ordered by the Court that a rehearing be, and it is hereby, denied, and that the issuance of the certified copy of the judgment be, and it is hereby, stayed for thirty days.

582 In United States Court of Appeals for the District of Columbia

[Title omitted.]

[File endorsement omitted.]

Designation of record

Filed Oct. 16, 1939

The clerk will please prepare a transcript on application to the Supreme Court of the United States for certiorari in the above-entitled cause including therein the following:

1. Printed record;
2. Opinion;
3. Order;
4. Docket entry showing motion for rehearing and stay of mandate was filed;
5. Minute entry of order denying same;
6. This designation;
7. Clerk's certificate.

ROBERT H. JACKSON.
ROBERT H. JACKSON,
Solicitor General.

Service of designation of record acknowledged this 16th day of October 1939.

REED T. ROLLO,
Counsel for Sanders Brothers Radio Station, a Corporation.

ELIOT C. LOVETT,
Counsel for Telegraph Herald, a Corporation.

583 [Clerk's certificate to foregoing transcript omitted in printing.]

584 Supreme Court of the United States

Order allowing certiorari

Filed December 11, 1939

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

[Endorsement on cover:] File No. 43906. U. S. Court of Appeals, District of Columbia. Term No. 499. Federal Communications Commission, Petitioner, vs. Sanders Brothers Radio Station. Petition for a writ of certiorari and exhibit thereto. Filed November 2, 1939. Term No. 499 O. T. 1939.

U. S. GOVERNMENT PRINTING OFFICE 1941